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EXAMINATION

OF

PUBLIC MEASURES

PROPOSED IN

MDCCLXXXII.

BOTH IN THE

HOUSE of COMMONS,

AND AT THE

INDIA HOUSE,

AS FAR AS THEY CONCERN

The Hon. WARREN HASTINGS, Esq.

GOVERNOR GENERAL of BENGAL.

LONDON.

PRINTED in the YEAR

MDCCLXXXII.

438

SOME

REASONS

AGAINST THE

RESOLUTIONS

NOW PENDING FROM THE

SECRET COMMITTEE.

APRIL, 1782.

Fiat Juſtitia, ruat Cælum.

LONDON.
PRINTED IN MDCCLXXXII.

RESOLUTIONS

NOT PRINTED FROM THE

SECRET COMMITTEE.

April, 1782.

LONDON.

PRINTED IN MDCCLXXXII.

SOME

REASONS, &c.

AN idea has for ſome little time prevailed, that the two Committees for examining Indian affairs (however originally diſconnected in their powers, and the nature or deſtination of their appointments) were inclined to coaleſce: particularly in their votes of perſonal cenſure.—To thoſe who conſidered the different ſubjects on which their proceedings commenced; who could not comprehend wherein the invaſion of Hyder Ally in the Carnatic, or the ſtruggles of the Mahrattas in Guzerat, could be affected by the adminiſtration of civil and criminal juſtice in Bengal, ſuch a conjunction did not at firſt ſeem likely; experience has at length proved it to exiſt; at leaſt the coincidence of the reſolutions lately exhibited by the ſeveral Chairmen of the Committees, ſtrongly countenances this belief.——The ſteady love of juſtice, the ſincere regard to candour and impartiality, which actuate each of thoſe very reſpectable bodies, are not to be called in queſtion. It is to ſuch venerable qualities, joined with the acuteſt diſcernment, and the moſt extenſive talents, to which the writer of this, and every honeſt man, muſt exultingly make his appeal. The ſtrength of reaſoning, and the ſplendor of eloquence, which have

already been ſo amply and ſo ably employed on Indian ſubjects by all the firſt abilities of this or any age, almoſt preclude the poſſibility of contributing a new thought or an elegant phraſe to the preſent diſcuſion. —But the Reports (thoſe honourable teſtimonies of the labour, the candour, the dignity, which have aſſiſted in their compilation) are ſtill free for examination. Upon the facts there recorded, each man is at liberty to form his own judgment, and to compare, according to the portion of underſtanding he may poſſeſs, the ſcope of the reſolutions now pending, with the tenor of the Reports from whence they are drawn. Different men will of courſe found their opinion on different facts, or different opinions on the ſame fact: the reſult of the public deciſion will undoubtedly be more ſtrictly juſt, as the aggregate body of opinions ſhall cover the greater ſpace of ground: and while a topic of ſuch magnitude is ſtill open to conſideration, no hint, however trifling, but may have ſome weight; no ſpark, however ſmall, but may conduce by ſome lucky accident to kindle a flame that may light to the moſt important diſcoveries.

The late reſolutions founded on part of the fifth and the whole of the ſixth Report of the Committee of Secrecy, tend principally to affix an idea of political injuſtice and unwarrantable thirſt for conqueſt on the Court of Directors of the Eaſt-India Company, and on the Governor General and Supreme Council of Bengal.—The body indeed of the ſixth Report, after the moſt careful and repeated peruſals, does not offer an inſinuation of the kind: and therefore it can only be ſought in the appendix, which, unfortunately for our hopes of fuller information, is ſtill unpubliſhed.

We can only therefore ſuppoſe, that from the contents of that appendix may be deduced incontrovertible proofs of the propriety and neceſſity of each Reſolution—and we muſt in the mean time reſt ſatiſ-

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fied with the bare aſſertion "that the protection and "aſſiſtance afforded to Ragoba, and a wiſh to add to "the advantages *ſaid* to have been procured by the "treaty of Poorunder, were the ſole and abſolute cauſe "as well as object of the Mahratta war."---The report itſelf merely ſhews "that the Governor General of Bengal agreed with the ſentiments of his employers the Directors and thoſe of the Council of Bombay, in reprobating the terms of that treaty," "that the articles of it had not been punctually fulfilled by the parties;" and "that new cauſe of uneaſineſs had ariſen from the open favour afforded by the Poonah Durbar to an agent of France." With theſe events the Report opens---and the ſubſequent pages are almoſt wholly occupied by a ſtudied diſplay of that oppoſition, which the meaſures of the Governor General for the alternative of "*honourable peace* or *vigorous war*" on the weſtern ſide of India, met with in every ſtage from the two junior members of his council.

It is here neceſſary to obſerve, that this boaſted treaty of Poorunder was an early meaſure of General Clavering's majority; that it was ſet on foot contrary to the opinion and vote of the two moſt experienced members of the Supreme Council (indeed of thoſe two who alone had any experience at all); that it was generally thought to have been purchaſed by the ſacrifice of the Company's neareſt and deareſt intereſts; that on thoſe principles it was loudly proteſted againſt by the Council of Bombay, with the deciſive ſuperiority of local knowledge; and that it was received with diſapprobation by the Court of Directors, to whom lay (or was thought to lie) the power of deciding on the general merits and actions of all their ſervants: proofs of all which aſſertions abound in every page of the 5th and 6th reports.---Moreover, the 16th reſolution expreſsly affirms, "that the Directors, by their letters of 5th February "and 16th April 1777, manifeſted ſome diſſatisfaction

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"at the terms of the treaty of Poorunder, and as "it had not procured for the Company the ſurrender "of Baſſein," gave great encouragements to all their ſervants to uſe their utmoſt endeavours for more favourable conditions.---Now, if from theſe premiſes it be admitted that the Court of Directors ſtimulated their ſervants abroad to thoſe actions which the wiſdom of the Committee has thought good to cenſure as deficient in moderation, policy, and good faith; if *their* inſtructions be allowed to have been the motive of the Governor General's conduct; He, in acting up to the declared ſentiments of his immediate employers, to whom in the great line of duty he was bound to ſubmit, undoubtedly cannot with juſtice be an object of the ſame cenſure. He has proved faithful to the expreſs commands of his employers --- he has therefore given proofs of his worthineſs to be employed again.

But though the 6th report, as has been already obſerved, cannot by any implication be brought to bear a criminatory ſhape, the reſolutions founded on it convey a decided condemnation on all the capital meaſures which have marked Mr. Haſtings's government. For the grounds of that condemnation we are therefore of courſe referred to the appendix yet unborn---and if we were now in poſſeſſion of it, no arguments can thence be deduced, but ſuch as have already dropped from the prompt pens of the oppoſing members of the ſuperior council.---Theſe may *perhaps* be numerous and ſolid---(that they are worked up with all the artifice of party zeal, and all the tinſel of intereſted eloquence, is well known) but all the powers of truth and of candour muſt cry out that they *are* not, *cannot* be ſatisfactory or concluſive.---Mr. Haſtings has repeatedly anſwered them---irreſiſtably refuted them all---ſuch at leaſt as were founded in any thing but malice or perſonality. Surely it would not have been unworthy of the trouble, or beneath the dignity of the Committee to have

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urged ſome reaſons from itſelf, ſome new and impartial reaſons, for the introduction of ſuch a ſevere ſeries of cenſure. If every political negociation, every ſtroke in the cabinet or the field during Mr. Haſtings's actual enjoyment of authority, muſt be racked at the tribunal of rebuke, the inſtruments already applied by General Clavering's party to that ſervice, are too effectually blunted to do much execution.

The political conteſt as it ſtood at Bengal, muſt I think by the moſt curſory reader of the diſguſting volumes which contain it, be deemed at leaſt to have ended in a drawn battle---if he will not allow the victory, as it clearly ſtands, to be with the Governor General. To join iſſue then with the Committee on the grounds of their own appendix—while it contains no plea for the cenſure of Mr. Haſtings, but ſuch as is gathered from the violent and clamorous minutes of Mr. Francis and his aſſiſtants, the public will draw from the ſame ſource ample proofs of the Governor General's *wiſdom*, *policy*, *moderation*, *good faith*, and above all, of his ſteady adherence to the real intereſts of his employers. He will there be found to plead his own defence with ſuch a cogency of argument, ſuch an adherence to fact, and ſuch a diſplay of ſuperior information, as muſt inevitably inſure to him, in the opinion of the world, that full acquital, and that merited applauſe, which he has at length ſo victoriouſly obtained from his long-deluded maſters.

An indifferent auditor of the debates on India matters, would naturally recollect, that, by the original *Regulating Act*, the Directors of the Eaſt India Company were enjoined to communicate to his Majeſty's ſecretaries of ſtate all the information they ſhould receive reſpecting the politics of India, and all the orders they meant to iſſue in conſequence. He would then aſk, whether or not this duty had been regularly performed—whether any proof exiſted of failure in the

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mode of compliance to this regulation, or of unwillingneſs to abide by ſuch alterations in the orders intended to be iſſued, as the miniſtry might think fit to recommend. Having been ſatisfied in theſe points, he would conceive that the Directors muſt at once ſtand exonerated from any retroſpective recrimination on the ſubject of all ſuch orders, admitted (and ſo tacitly approved) by his Majeſty's Miniſters. For otherwiſe, what could be the intention of parliament in framing this regulation? And if the Directors be thus virtually armed with the ſhield of a higher authority, there is infinitely greater cauſe to admit, that their own immediate ſervants acting under the decided approbation of their maſters, and under the implied conſent of the executive powers of the ſtate, muſt be clearly and *ipſo facto* acquitted. All political reſponſibility muſt be confined, as it ſhould ſeem, to two heads, the conſtruction of indeciſive orders---or attention to ſtate neceſſity: and in both caſes the ſucceſs of the meaſure adopted is the uſual criterion for the merits of the Stateſman, and ſtill more for thoſe of the Company's ſervant. The Directors, as a commercial body, governed by the general rules of mercantile tranſactions, and ſetting the gains againſt the riſks of all adventures, have been in uſe to conſider territorial acquiſitions in India as lucky ſtrokes in trade, the profits whereof were regularly and without ſcruple carried to account. (No impeachment on their honeſty and good faith, notwithſtanding.) They found the *jus fortioris* to be univerſally allowed in Aſia: and, perhaps, like able merchants, adopted, (as they had good reaſon) in their ſeveral dealings with Indians, *the cuſtom of the Indian market.* This may be thought irony—but it is common ſenſe. A ſhort review of the Company's affairs through the riſe and progreſs of its Aſiatic power, and a little attention to the influence of thoſe circumſtances which have uniformly biaſſed the conduct of every European nation in its connexion with India, will preſently decide the fact.

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The principles of commerce were by no means accurately underſtood when the Portugueſe firſt ſailed to India. It is not then extraordinary, that rather than return to Europe without cargoes, they ſhould force a trade where they could not perſuade it. Being conſidered as interlopers, they were obliged to aſſume a ſuitable conduct in their own defence, and to aſſert the preference of the market by the rhetoric of the muſket. Every where ſurrounded with hollow friends, jarring rivals, and inſidious competitors, they had no refuge but in their own force: — where they could not impoſe quiet, they were ſure of moleſtation. Hence the advance from an *occaſional* reſidence to a *fixed* factory, from an open dwelling to a tenable fort, from a dependance on the capricious protection of a barbarous prince, to a vigorous reliance on their own ſtrength, was in ſome caſes ſilent and gradual — but in moſt rapid and inſtantaneous. By the ſteady and well-applied exertions of their own military ſuperiority, they ſoon acquired a deciſive influence over all India, and ſecured that influence by extenſive territories. War was now grown to a ſyſtem, and plunder to a regular courſe of trade. They ſcoured the Sea-coaſts from Point Natal to Cape Comorin, and from thence to the extremities of China. They had every where armies on the continent and on the iſlands: and they maintained at different times war with all the different powers of the peninſula, and occaſionally with ſeveral at once. But war never ruined the Portugueſe. — The change of meaſures which conſtantly attended the change of governors — that fatal policy which invented a *triennial* adminiſtration — unhinged all the main ſprings of government, and reduced the holders of public offices to the neceſſity of "ſeeking what they might devour," (from the public or wherever it was to be found) "knowing they had "but a ſhort time." —— The languor, the corruption, the diſunion attendant on ſo ruinous a ſyſtem, did not eſcape the eager penetration of ſelf-intereſt in their

commercial rivals the Dutch, who alſo made political alliances, acquired territory, and maintained armies, *all in the way of trade.* Yet *they* at leaſt (whatever may be ſaid of the Portugueſe) were in the beginning of the laſt century the patterns of frugality, of prudence, and of mercantile regularity, to all Europe; and indeed ſo they continue to this day. For though they have never relinquiſhed one foot of ground in Aſia which they could by any means appropriate: though by a ſtretch of management unknown in the annals of the world, they ſecured to themſelves a monopoly of ſpice by ſeizing all the widely-diſtant places which produced it,—they ſtill perſevere in the ſimple and uniform plan of conduct to which they owed their firſt ſucceſs. The ſame mode of adminiſtration which was originally preſcribed to their firſt infant factory, has proved of ſo pliant and univerſal a nature, as to ſuit every different ſize and deſcription of government to which they have progreſſively ſucceeded. And it is this undeviating attention to conſiſtency of meaſures which alone has guaranteed their political exiſtence through every poſſible combination and revolution of things in the four quarters of the world.

The inſatiable ſearch of modern curioſity has in ſome degree developped the advantage of their ſyſtem. But the Dutch have ever been wiſer.—No unproſperous turn of their affairs (and that they have not been privileged from the general inſtability of ſublunary events, witneſs the loſs of that very valuable iſland Formoſa) ever tempted them to an indiſcreet diſplay of their wealth and their reſources—they have continued to ſell their ſpice, and to be ſilent. Nor has the national government at home, by any intemperate interference with the affairs of their company, ever drawn forth from the ſhelves of the compting-houſe thoſe important records on which depended the proſperity, and perhaps the very being of ſo grand a member of the ſtate: ſo that the profits of their territories in point of revenue, and the means by which they are

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rendered productive, ſtill remain an impenetrable political arcanum.

Britain has been the laſt of the commercial nations of Europe to avail herſelf decidedly of her arms in promotion of her mercantile concerns. Territory has every where been forced on her by the neceſſity of reſiſting unprovoked attacks, and of conquering in her own defence. The incurſions of the Mahrattas into Bengal, under Ally Verdy Khan's ſubahſhip, had furniſhed the Dutch with a plauſible pretence for fortifying their ſettlement at Chinſura. The old fort at Calcutta aroſe at the ſame time, and for the ſame purpoſe of protecting our peaceable factors; though it could oppoſe no effectual reſiſtance to the unmerited aſſaults of an avaricious tyrant. But fortune ſoon declared in our favour: the aggreſſor was repulſed in his turn; and a courſe of victory, well followed up, gave us the unexpected poſſeſſion of a mighty territory. Other events, equally unforeſeen, have led us to a participation of the powers of government in the Carnatic.—— Here let us indulge a moment's reflection. —— Had the ſame ideas of *moderation* and principles of mere *ſelf-defence*, then gone forth which have lately grown ſo much into vogue,—had prohibitory condemnations of all ſchemes for enlargement of dominion been *then* iſſued,—it will be worth while to turn back a few pages of Oriental hiſtory, and compare our probable ſituation on that ſuppoſition, to our actual one under a more accommodating ſet of regulations. We will, for inſtance, conceive Lord Clive, at the two grand periods of his glory, to have been cramped by General Clavering's moderating majority, or the ſelf-denying reſolutions of a ſecret committee.—Seraje-ud-Dowla would probably have had ample cauſe to expatiate on the diſintereſted policy and unprecedented moderation of the Britiſh conqueror, but he would certainly have thought them much too ſublime for imitation. Nor, indeed, would the treaty of Illahabad now exiſt to be held up by the Committee as

the model of political forbearance, and as the neceſſary boundary of future exertion. For by what right could Clive make treaties ſword in hand at Illahabad? What plea of ſelf-defence could our armies urge for paſſing the Mahratta ditch?—Entrenched behind that formidable bulwark, they ſhould *there* have ſtudied "* the maintenance of an inviolable character for "moderation, good faith, and a ſcrupulous regard to "treaty, as the SIMPLE grounds on which the Britiſh "governments ſhould have endeavoured to eſtabliſh "an influence ſuperior to that of other Europeans "over the minds of the native powers of India." His Highneſs the Nabob Wawlaw Jaw would not, at this inſtant, have ceaſed to deplore the inefficacy of theſe *ſimple grounds of influence*, had we relied on *them* for his eſtabliſhment on the muſnud of the Carnatic, and had we always reſolutely refuſed to "† interfere "as a party in the domeſtic or national quarrels of "the country powers."—And, at this preſent hour, from our mouldering battlements of Fort St. George, (if the French had deemed it too deſpicable an acquiſition for themſelves) and from the extenſive precincts of the Bound-hedge, we might have viewed, without concern, the ſucceſsful ſtruggles of ambition, or the ravages of increaſing deſolation—happy to procure a ſcanty ſupply of proviſions, and a refuſe of rotten goods for an occaſional cargo, whenever a ſtraggling peaſant or pedlar ſhould think us worth his venturing, or the ſhort intervals of peace freed him from danger. For the example of Mr. Dupleix, to which we ought gratefully to aſcribe the firſt hint of our territorial acquiſitions in India, would have made little impreſſion on the inflexible *moderation* of that triumvirate which preſided at the treaty of Poorunder.

It is humbly preſumed that *moderation*, *juſtice*, *good faith*, and all other virtues are of a very different nature

* Fifth Reſolution. † Third Reſolution.

ture in morality and in politics. In the former they are univerſal and unchangeable; in the latter, relative and reciprocal, and the terms of their definitions conſequently temporary and local. Thus *that* which is to-day *politically* moderate, may be to-morrow puſillanimous, and perhaps was inſolent yeſterday: A demand, which would be weakneſs at Fort William, is extravagance at Fort Malborough. —Moral virtues exiſt independent of intereſt, or of ſucceſs; both of which are eſſential to the merits of all political exertion. Political virtue does not teach us to offer the left cheek when the right has already been aſſaulted, but to repel violence by violence: and indeed the balance of national power is nothing but the perpetual ſyſtem of oppoſition ariſing from the action and reaction of claſhing parties, as the exact counterpoiſe of the centripetal and centrifugal forces is, by neceſſity, a ſtate of reſt.

Under a ſenſe of this natural diſtinction between the moral and political το καλον, we can but cordially conſent to the commendatory part of the learned Lord's *firſt reſolution*, which ſanctions the treaty of Illahabad. In the eye of mere abſtracted morality *that* treaty could never be juſt, or moderate, or exemplary: as it reduced to our ſubjection ten millions of people, over whom we had not the ſhadow of pretence to reign: and as it obliged a vanquiſhed prince to cede to us, what he had neither option to refuſe, nor means to beſtow. But the meaſure was politically good, and expediency ſtampt a merit on its articles. —So far, therefore, we are agreed. But the *prohibitions* of any future enlargement of dominion, which are *there* pointedly brought to notice, and which, in fact, furniſh the baſis for all the cenſure which breathes in the following reſolutions, demand a ſhort arreſt of judgment. They were *certainly* moderate: we may doubt if they were politic. Perhaps too they were juſt; but they are at leaſt diametrically oppoſite

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to the ſpirit of that ſyſtem which dictated the treaty of Illahabad. Yet the reſolution conveys an implied approbation of all our territorial acquiſitions previous to that period. As if at that inſtant, and at Illahabad only, *moderation*, *juſtice*, and *good faith* had firſt ſtarted into exiſtence: and as if the prohibitory condemnations of conqueſt, &c. iſſued by the Directors at that period, had not ariſen from the obvious principle of momentary extacy on the prodigious ſtroke they had juſt made: and perhaps from that over-abundant caution, which a ſudden tranſition from ſcanty mediocrity to unexpected wealth is generally found to inſpire.

The truth is, the Directors at the moment of their Bengal acquiſitions, and for ſome time after, were ſo dazzled with the magnitude of the poſſeſſion, as to imagine it adequate to the relief of all poſſible exigencies, and what no future probable advantage could ever compenſate for the riſk of loſing. Long experience, and the inceſſant demands of the miniſtry at home, have ſince opened their eyes:—but, could they have gained (as they undoubtedly *have* gained by this time) a territorial ſupport for the neceſſary eſtabliſhment of Bombay, they would again, with pleaſure, iſſue forth *prohibitory condemnations of all ſchemes of conqueſt and enlargement of dominion.* (With a tacit reſerve probably for ſuch ſettlements, either now exiſting, or hereafter to exiſt, as may require territorial ſupport.)

The original ſource of all our proſperity in India has ariſen, by an unforeſeen chain of events, from unavoidable competition in trade; and it is by trade only that our Aſiatic poſſeſſions are made productive in Europe. Our great rivals in commerce the Dutch have enjoyed undiſturbed for more than a century and a half, that very valuable branch of merchandize which they had choſen for themſelves as the grand object of all their Oriental ſchemes. Vigorous and well-timed efforts might perhaps even now produce as favourable an event for ourſelves. Could we but

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fall on ſome ſimple and permanant plan for the good adminiſtration of our Aſiatic poſſeſſions, could we, with double the mercantile abilities of the Dutch, be content to imitate their phlegm,—there is no preſent political impoſſibility why Great Britain ſhould not excluſively furniſh Europe with the muſlins and callicoes of India, while Holland excluſively diſtributes its nutmegs and cloves.

But, however ſpecious or practicable this idea of a monopoly of Indian manufactures may appear, there is no reaſon to ſuppoſe the plan ever to have been ſyſtematically adopted by the Court of Directors, nor their conqueſts to have been puſhed to an extravagant extent on this all-graſping, though mercantile principle. They have never appeared to ſtretch their ambition beyond objects, of which the attainment was equally obvious and neceſſary: and for this purpoſe have conſtantly expreſſed their paternal wiſh to provide ſomething more than a precarious and eleemoſynary ſubſiſtance for one of their earlieſt ſcyons, Bombay. The fortreſs of Baſſein, and the iſlands of Salſette and Caranja are the arms, without which Bombay is but a barren trunk. The Portugueſe once poſſeſſed them all, by the only title which was then, or will ever be, valid in politics, the tenure of the ſword. From *them* Bombay came into our hands by ceſſion, (far be it from me to ſay we became receivers of ſtolen goods) and its appendages were wreſted from them long after by the Mahrattas, *vi et armis*; from whom we have ever ſince wiſhed to gain them on any terms: by compoſition,—by treaty,—by purchaſe,—and have, at length, procured them nearly by the means which they employed to get them from the Portugueſe. The troubles of the Mahratta ſtate gave grounds for hopes of every advantage. So diſtracted have been the councils of that nation for ſome years, ſo divided their chiefs, ſo fluctuating the authority, that the ruling power was hardly ever ſix months without a revolution. The

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ſeeds of contention were ſown in the very principles of the government, and would long ago have ripened in our favour, were it not, that thoſe *miniſters*, as they are called, had diſcernment enough to retort the obſervation on our Councils: and to place all their own hopes of ſecurity in the want of harmony among thoſe whom they have choſen to ſtyle the *Engliſh chiefs*.

However, the infractions of the Poorunder treaty (even ſuppoſing them mutual) impoſed the neceſſity of freſh negociation, and the indulgent reception which the French experienced at Poonah demanded the moſt effectual interpoſition; and it was happy, that, by the abſolute defection of one of thoſe two only * miniſters who had ſigned the Poorunder treaty, we were releaſed in a great meaſure from all attention to it. *Then* it was that Mr. Haſtings, (who, after ſpending ſeveral years at Calcutta, well knew the fatal effects of that continual drain of ſpecie which the exigencies of Bombay cauſed from Bengal, who knew intimately the ſentiments of his employers on this head, and who felt the critical coincidence of the preſent circumſtances) ſtepped forward with that vigour and promptitude of deciſion which diſtinguiſhes the ſound ſtateſman from the mere miniſter; and, by a meaſure worthy of Clive himſelf, almoſt fixed the very inconſtancy of fortune. Even the natives of India were impreſſed with the higheſt aſtoniſhment at the boldneſs of the attempt to march an army from Calpee to Bombay. Mr. Francis oppoſed it, (the Report overflows with enumerations of his objections) and his oppoſition betrays the ſtrongeſt ſymptoms of timidity and alarm. He conſtantly *fears where no fear is*; and in every ſtep of the march † "thinks the detachment incapable of "ſurmounting the dangers and difficulties of a fur-"ther progreſs towards Bombay, and therefore ear-"neſtly recommends its immediate recall: *notwith-"ſtanding the avowed diſcredit which would thereby fall "upon*

* Sicca Ram Baboo. † Sixth report, p. 8.

" *upon the wiſdom of our councils and the power of our* " *arms.*" Luckily enough for the credit both of our councils and our arms, theſe convulſions of timorous apprehenſion were ſuffered to work themſelves off in the feminine effuſions of the tongue; and Mr. Francis's political hyſteric was at length effectually relieved by the certainty of Col. Goddard's ſafe arrival at Surat.

All extenſive territorial poſſeſſion, particularly on a continent, implies the neceſſity of political connexions. The moment our India Company had acquired the provinces of Bengal, Bahar, and Oriſſa, it became neceſſarily linked in a certain degree with the ſurrounding provinces, and in general with the powers of India. But as theſe powers muſt at all times be jealous of each other, and were frequently engaged in actual hoſtilities, it might not always be in the power of our Company (as one member of this grand body) to ſtand neuter, and it might ſometimes be ſerviceable to take a decided part. Our grand difficulty lay in the choice of the connexions to be formed; for the exiſtence of *ſome* connexions, and therefore the neceſſity of a choice, cannot be diſputed.

Mr. Haſtings ſucceeded to the government of Bengal in February 1772, a period big with every poſſible calamity. The Company which he ſerved, laboured under a moſt ruinous debt, and an utter want of reſource. The country which he came to govern, was juſt emerging from the deſolation of a famine. The neighbouring provinces viewed us with no very friendly eye, and there were alſo many ſymptoms of probable confuſion in the interior parts of Hindoſtan. A retrenchment of all unneceſſary expence, a proviſion of additional means, the ſecurity of our frontier, and the formation of a profitable alliance, were the immediate conſequences of his acceſſion to the chair:—the firſt and ſecond, by internal reform, and a withholding of the king's ill-deſerved tribute; the third and fourth, by an alliance offenſive and defenſive with Sujah-ud-

Dowla. (The reſult of theſe deciſive meaſures was a great acceſſion of wealth, and the return of general proſperity. In the grand maſs of political connexion, it is very poſſible to form offenſive alliances, to interfere in national quarrels, and to profit by occaſional acquiſitions, without the ſmalleſt derogation from moderation, wiſdom, and good faith. The ſame prudence which obliges a merchant in purſuit of the immediate advantage of his *houſe*, to enter into a competition of trade, and to divert to his own coffers profits which originally flowed in other channels, will authorize in the politician an attempt to extend, by all fair and juſtifiable pretexts, the influence of his own nation in competition with that of other rival nations. Acting on this general principle of political good faith, Mr. Haſtings, in his connexions and negotiations with the powers of India, has *always* contrived to turn the ſcale of advantage on the ſide of his employers.) Things were preciſely in this predicament, when General Clavering, with a majority of the Supreme Council, arrived in Bengal. On the north, they found a part of our army engaged with that of the Vizier, our ally (and a very profitable one) in the reduction of a province deemed by him to be in actual rebellion. Our troops were paid by the Vizier, and our aſſiſtance had been purchaſed by a very large pecuniary compenſation. The political juſtice of the war reſted with its Principal. Had he engaged in it, and conquered, without our aid, *we* had no right to interpoſe as umpires in the diſpute, nor to ſhare in the advantages of the conqueſt. Had he fought, and been vanquiſhed, the neceſſity of ſecuring our own frontier would eventually have forced us to join him, or to lie open to other invaſions from the Mahrattas. So that, in fact, we, as having no right to controul the actions of our immediate neighbour, the Vizier, could not bind him down to a peace—as having no political, nor ſo much as commercial or vicinal, intercourſe with the Rohillas, could not riſk even a coolneſs,

coolneſs, much leſs a diſpute with him at our doors for their protection. And we had but the alternative of being expoſed to every poſſible inconvenience on the cloſe of the war, or to interfere in its ſucceſsful accompliſhment on the ſide of the Vizier. Neceſſity, I repeat it, would in the end have driven us to ſolicit a ſecond alliance with him, had we at that time, by a pointed refuſal to join in his meaſures, interrupted the good harmony of the firſt.—We met his propoſals, and enſured the moſt ſtriking benefits to both parties. On the weſtern ſide of India, the Preſidency of Bombay had but lately, by a ſudden effort of vigour, ſecured poſſeſſion of the iſlands of Salſette and Caranja —not indeed without violence, but yet with a plauſible pretext—and the acquiſition had been ratified by the approbation of the Court of Directors, who had long wiſhed to obtain them on any terms. The reſult, however, of the ſeizure was a war with the Mahrattas, from whom we had taken them; and which (though it had not been attended with uninterrupted ſucceſs) gave ſufficient hopes of a fortunate and even of a ſpeedy termination.

The vigorous proſecution of our meaſures had already ſucceeded in Rohilcund, and on thoſe in operation on the Bombay ſide depended almoſt all the future proſperity of the Company in that quarter; and they even nearly promiſed ſucceſs at the period when the new Majority of the Supreme Council entered on Indian affairs.——Wholly occupied with a wiſh to drive Mr. Haſtings from his government, and anxious to eſtabliſh their own character on the ruin of that of their rival, they had no means left but by a ſtrong oppoſition to all the leading principles of his adminiſtration. Hence, as the nice management of political connexion, and the critical exertion of well-directed force, had already, in Mr. Haſtings's hands, produced the moſt important conſequences; and as he was too ſtrongly entrenched on *that* ground to be diſplaced by any manœuvre of chicane, the only method by which they could poſſibly hope to riſe to notice, was the adop-

tion of a ſyſtem which ſhould diametrically oppoſe the plans of the Governor General. Hence our brigade was recalled from Rohilcund with a precipitancy which even alarmed the Company at home: a peace was inſtantly ſolicited with the Mahrattas, on humiliating terms; or on any terms. Our allies were taught that the Engliſh had now circumſcribed their politics as well as their arms by an immoveable barrier: that neither the importance of *their* occaſions, nor the proſpect of *our own* aggrandizement, could ever again induce us to draw the ſword. Our enemies were inſtructed, that we ſate quietly at home to receive them, however hoſtile might be their profeſſions, or well appointed their force: that, however *unjuſt*, *faithleſs*, or *immoderate* their demands might prove, Our's were now no more. It is well that the Mahrattas forgot at that moment their pretenſions to the Chout; and that the King neglected to require reſtitution of his provinces, under the failure of the treaty of Illahabad. Had Sujah-ud-Dowla lived, *He* too would probably have had ſome claims to make on our moderation. *He* would little have brooked to *pay* troops which he was not permitted to *employ*. *He* would have ſought for more ſpirited and leſs ſcrupulous allies—perhaps have recollected that he had once been formidable even to the Engliſh. But *He* died in time, and left a ſon weak enough to imitate our treaty of Poorunder, by that which he ſubmitted to at Fyzabad.

It is from the moment that the Supreme Council in Bengal aſſumed an unlimited controul over the politics of all the Company's ſettlements, it is from the ſpirit of that oppoſition which dictated and concluded the puſillanimous treaty of Poorunder, that we may date the firſt avowed doctrine of chimerical neutrality and mere paſſive ſelf-defence. It was that firſt partial ſacrifice of the Company's intereſts in purſuit of private ends, which has laid the foundation for the exaggerated pretenſions and extravagant preſumption of the country powers. It is to this ſource, and perhaps to this alone, that we ſhould in truth and candour impute the troubles in the Carnatic, and the war with the Mah-

Mahrattas. And, if we would preſerve the footing we ſtill hold in thoſe very diſtant regions,-- if we would guarantee to the Company and to the Nation thoſe ineſtimable advantages which our Indian ſettlements produce,---it can only be effected by the proper delegation of diſcretionary powers, and by the ſelection of ſuch agents as may be entitled to a very liberal ſhare of public confidence. Poſitive and unconditional orders will never operate with proſperous effect to the extent of half the globe.

In the breaſts of thoſe, whom the acknowledged candour and applauſive ſtyle of the firſt reſolution has impreſſed with ſome degree of conſideration for the zeal and abilities heretofore exerted by the Court of Directors, in the ſervice and for the advantage of its conſtituents, the ſubſequent reſolutions cannot fail to excite a little ſurpriſe.---What an extraordinary Change!---How ſhall we account for it! What? the ſame Court which ſo lately and ſo allowably profited by the treaty of Illahabad, condemned merely for *turning a few Rupees* at the treaty of Bernaras!!! But by the latter the Rohillas were exterminated.--And who were the Rohillas, that they ſhould eſcape political juſtice for their own atrocious uſurpations, and denial of ſtipulated tribute?---But the Rohillas were not actuated by the moderating principles of the treaty of Illahabad, and therefore conquered where they could, and had a right to every advantage of temporary ſucceſs.---Be it ſo—But their neighbours had alſo in their turn a right to ſecure their own tranquility,—or to proſecute any other uſeful political purpoſe at the expence of the intruding Rohillas. Of thoſe who ſurvived their ſeveral defeats, the greater part returned to thoſe impenetrable hills from whence they had deſcended in ſearch of plunder, and the reſt found a quiet aſylum and even a liberal ſupport in the very dominions of the prince whom they had grievouſly offended.——The much arraigned and ill-underſtood Rohilla war, after having cauſed almoſt as great an effuſion of ink as of blood, is now to be deciſively

ciſively condemned.—Still the reaſons urged by the late Preſident and Council of Bengal for the commencement of that war, the pleas of neceſſity and others, which they have ſince furniſhed in defence of the meaſure, are not done away in the report. If we look into the appendix, we may perhaps be bewildered by the ſophiſtry of General Clavering's majority—but by no means convinced by their arguments. The contraſt of praiſe and blame on the conduct of the Court of Directors, which forms ſo ſtriking a feature on the face of the reſolutions, however ably and ſpiritedly drawn, almoſt amounts to a diſtinction without a difference. The Directors, probably, as little deſerved applauſe for ratifying the treaty of Illahabad, as they now merit cenſure for having admitted that ſettled at Benaras, or for wiſhing to improve the treaty of Poorunder.—In either caſe, they ſeem to have acted perfectly in character, conſcientiouſly to have diſcharged the duties of their appointment, and fulfilled their delegated truſt, by conſulting, to the utmoſt of their abilities, the grand intereſts of their principals. They were to be guided in all their operations by the original charters of the Company, none of which contain a ſyllable of that forbearing ſyſtem of policy which is now recommended. By the charter, they may build forts and acquire lands to an indefinite extent. It has been amply demonſtrated, that their acquiſitions, both now and heretofore, have been for the purpoſe of immediate ſelf defence, or the ſupply of neceſſary emergencies—nor is there in the report, or elſewhere, any *proof* of wanton violence or injuſtice, that can be applied to any particular period. On the contrary, it will be found, that as the pretence for our firſt expulſion from Calcutta by the Nabob Seraj ud-Doula, was the protection* we unwarrantably extended to one of his rebellious ſubjects; ſo one original cauſe† of the

Mahratta

* See Vanſittart's Narrative, Hollwell, Orme, &c.

† Fifth report, p. 27.

Mahratta war was the aſſiſtance afforded to Ragoba; who from having been actual regent* of the Mahratta empire, was thruſt from his dignity, and treated as a rebel, by thoſe who in a violent manner ſucceeded to his place—And that, in a ſecond inſtance, the act which furniſhed the principal pretext for the revival of the ſame war, ſubſequent to the treaty of Poorunder, was the ſame protection again afforded by us to the ſame Ragoba.

But our refuſal to deliver up † Kiſſen Doſs, at the repeated demands of his rightful ſovereign, eventually produced the conqueſt of Bengal, Bahar, and Oriſſa—and thoſe acquiſitions belong to the treaty of Illahabad, conſequently are conſiſtent with wiſdom, moderation, and juſtice. Our obſtinacy in refuſing to ſacrifice Ragoba to his revengeful rivals Nana Furneſe or Tuckagee Holkar, has certainly by this time enſured us the much-deſired poſſeſſion of Baſſein and Salſette. That they might, indeed, have been ours long before, a candid peruſal of the 5th report will hardly fail to evince—had General Clavering's majority taken another twelvemonth to learn their political alphabet, and had not the ſanguine efforts of Mr. Haſtings for the valuable addition to the property of his maſters, produced from the oppoſition that ſcandalous dereliction of all their deareſt and beſt intereſts, the Poorunder treaty. But our late ſucceſſes are too modern not to be deemed uſurpations. They fall within the denunciations of the firſt ſix reſolutions, as they are moſt indubitably not "founded on the prin-"ciple of the treaty of Illahabad." But theſe two bugbear treaties are for ever in our way. Let us once for all diſmiſs them fairly. That of Illahabad was undoubtedly a wiſe and a political meaſure, and at the ſame time wonderfully advantageous- -but, for my ſoul, I never could diſcover wherein conſiſted its *moderation*

* Fifth report, p. 26.

† Orme's Hiſtory, 2d vol. pages 49, 50.

deration. Lord Clive himſelf would probably have bluſhed at ſo extraordinary a piece of flattery. Of the treaty of Poorunder nothing can be ſaid, but that it was in every reſpect the reverſe of the former; and therefore we will allow it to have been as moderate as even Mahratta impudence could well demand. We might at leaſt have expected to ſee it readily and ſatisfactorily ratified. But the Poona Durbar had felt our political pulſe, and found that an internal diſorder preyed on our vitals, and benumbed all the nerves of our dominion. This treaty, therefore, (infamous as it was) they delayed to execute; and that very delay in ſome degree ſaved its credit, by contributing moſt inconceivably to the ſomewhat more diſgraceful convention of Worgaum.

On the whole, it is moſt earneſtly entreated, that a ſtrict attention to the immediate circumſtances which led to the appointment of the Secret Committee, as well as a conſiderate review of 5th and 6th reports, may precede any opinion on the reſolutions. In England, all public meaſures if unſucceſsful occaſion an immediate alarm. "Sacrifice of national honour"—"contempt and diſobedience of orders"—"willful neglects and corrupt practices"—are loudly imputed to the unfortunate men who deviſed, or who were to have executed, the defeated plan. We inſtitute tedious enquiries when we ſhould urge inſtant and vigorous exertions. The Athenians idly diſputed for the palm of eloquence, till Philip was at their very doors—but the Romans, when ſeverely beaten by Pyrrhus, would not ſo much as liſten to any terms of accommodation until the conqueror had left Italy. In the preſent caſe, while ſome of the ableſt members of our legiſlature have been anxiouſly inveſtigating the cauſes of the wars with the Mahrattas and with Hyder Ally; and laboriouſly ſifting, from buſhels of duſty records, a few choice grains of truth and common ſenſe---a Coote has driven Hyder for ever from the Carnatic, and a Goddard has turned the ſcale of negotiation moſt decidedly

decidédly in our favour with the Mahrattas. It cannot but be remembered, under what gloomy apprehenſions the honourable Committee took its ſeat. Let it be remembered, in how glorious a reverſe it is now about to cloſe its reports.

The learned Lord, to whoſe undoubted abilities the compilation of thoſe reports muſt ever do honour, in his prefatory ſpeech to the conſequent reſolutions, has ſo pointedly, ſo ſolicitouſly referred to the reports themſelves for the foundation of all judgment—has ſo warmly recommended a careful compariſon of each line and word of the reſolutions with the original report out of which they profeſs to grow—that no weightier arguments need be urged, or can be added, in effectual perſuaſion of this neceſſary purpoſe. If the preceding ſheets do not entirely coincide with the opinions deduced by the learned Lord from his own ſtatement of the caſe, it is with the utmoſt deference, and in conſequence of the cloſeſt application to the *whole matter* of the 6th report, and to part of the 5th that they are here ſubmitted to the public. The compariſon ſo repeatedly urged by the very learned and reſpectable compiler of both papers has been followed up with the cooleſt reflection; and the reſult of it is alſo here moſt reſpectfully ſubjoined, in the form of ſhor obſervations on each reſolution.

Resolutions *read Monday April* 15, 1782.	Observations.
1. That the orders of the Court of Directors of the Eaſt India Company, which have conveyed to their ſervants abroad a prohibitory condemnation of all ſchemes of conqueſt and enlargement of dominion, by preſcribing certain	The orders of the Court of Directors, founded on the treaty of Illahabad, moſt certainly conveyed a clear prohibition of enlarging our dominions on that ſide of India where the treaty took its riſe—and the line was in after-

 times

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tain rules and boundaries for the operation of their military force, and enjoining a ſtrict adherence to a ſyſtem of defence upon the principle of the treaty of Illahabad, were founded no leſs in wiſdom and policy, than in juſtice and moderation.

2. That every tranſgreſſion of thoſe orders, without evident neceſſity, by any of the ſeveral Britiſh governments in India, has been highly reprehenſible, and has tended in a chief degree to weaken the force and influence, and to diminiſh the reſources, of the Company in thoſe parts.

3. That every interference as a party in the domeſtic or national quarrels of the country powers, and all new engagements with them in offenſive alliance, have been wiſely and providently forbidden by the Company in their commands to their adminiſtrations in India.

4. That every unneceſſary or avoidable deviation from thoſe well-adviſed rules, ſhould be followed with very ſevere prehenſion

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times preciſely drawn by the general limitation which confined our armies to our ſide of the Caramnaſſa. The expreſſions, indeed, of the Court of Directors to their ſervants abroad, ſeem to have been too general, and to comprehend *all* their ſettlements;--but the whole tenor of their conduct from that period, the whole ſpirit of their correſpondence, ſhews that this prohibition never was meant to extend to Bombay, for which ſettlement they have inceſſantly repeated their wiſhes to procure an adequate territorial eſtabliſhment.

The firſt grand conſideration of the Court of Directors muſt neceſſarily have been, to promote by all means (conſiſtent with the rules of trade, the powers of their charter, and the laws of nations) the immediate intereſts of their employers, according to the ſeveral exigencies of the times. In their days of proſperity, they procured the treaty of Illahabad: in the moment of dejection, they were

ſaddled

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ſion and puniſhment for it, as an inſtance of wilful diſobedience of orders, and as tending to diſturb and deſtroy that ſtate of tranquillity and peace with all their neighbours, the preſervation of which has been recommended as the firſt principle of policy to the Britiſh governments in India.

5. That the maintenance of an inviolable character for moderation, good faith, and ſcrupulous regard to treaty, ought to have been the ſimple grounds on which the Britiſh governments ſhould have endeavoured to eſtabliſh an influence ſuperior to that of other Europeans over the minds of the native powers in India; and that the danger and diſcredit ariſing from the forfeiture of this pre-eminence, could not be compenſated by the temporary ſucceſs of any plan of violence or injuſtice.

6. That as any eſſential failure in the executive conduct of the Supreme Council or Preſidencies would make them juſtly liable to the moſt ſerious

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ſaddled with that of Poorunder. Like ſenſible men, they have ſtuck to the firſt bargain, which was clearly profitable; and, like good merchants, they have ſhifted the latter from their ſhoulders the inſtant that a flaw in the agreement, or a non-performance of the conditions, afforded them a plea on commercial grounds.

The Company, as a trading body, muſt naturally place the firſt pre-eminence of a merchant in the *good faith* of his 'compting-houſe, and the *honor* of his bills. No *danger*, no *diſcredit*, could more immediately operate on ſuch a body, than the forfeiture of this pre-eminence.

The pretenſions of the Company, like the hagglings of a dealer, though dictated by ſelf-intereſt, have not been deficient in the common and cuſtomary appeals to reaſon, juſtice, and propriety.

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ſerious animadverſions of their ſuperiors; ſo ſhould any relaxation, without ſufficient cauſe, in theſe principles of good government, on the part of the Directors themſelves, bring upon them, in an heavier degree, the reſentment of the legiſlative power of their country, which alone can interpoſe an effectual correction to the general miſrule.

7. That the conduct of the Company and their ſervants in India to the King and Nudjiff Cawn, with reſpect to the tribute payable to the one, and the ſtipend to the other, and with reſpect to the transfer of the provinces of Corah and Illahabad to the Vizier, was contrary to policy and good faith; and that ſuch wiſe and practicable meaſures ſhould be adopted in future as may tend to redeem the national honour, and recover the confidence and attachment of the Princes of India.

8. That

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1. If the *Company* be cenſured for withholding the King's tribute and Nudjiff Cawn's ſtipend, the Company's ſervants are *ipſo facto* acquitted.

2. If it be meant to "*redeem the national honour*," by paying up the arrears of tribute; or even (which may perhaps be all that is here implied) by remitting it regularly *in future* from Bengal; the treaty of Illahabad will ſoon ceaſe to be popular.

3. We guaranteed Corah and Illahabad to the King, for himſelf, with an expreſs ſtipulation that he ſhould reſide there. We reſumed them, when we found he was determined

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8. That too ſtrong a confirmation cannot be given to the ſentiments and reſolutions of the court of directors, and of the court of proprietors of the Eaſt India Company, in condemnation of the Rohilla war: that the conduct of the Preſident and Select Committee of Bengal appears, in almoſt every ſtage of it, to have been biaſſed by an intereſted partiality to the Vizier, to tranſgreſs their own as well as the company's poſitive and repeated regulations and orders: that the extermination of the Rohillas was not neceſſary for the recovery of forty lacks of

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mined to quit all connexion with us, to undertake a knight-errant expedition to Dehli, and to give up thoſe provicces to the Mahrattas. The King muſt long have been heartily diſguſted with the treaty of Illahabad; and, were we now to pay the tribute originally agreed by it, he would probably employ the money in armaments to diſturb us in the peaceable enjoyment of its other articles.

1. The court of directors and the court of proprietors, did, in December 1775, expreſs a diſapprobation of the principles of the Rohilla war; but they never thought of refunding the price of our aſſiſtance. The fact is, they condemned the meaſure, becauſe they feared it might afford a dangerous precedent under a leſs able governor. They alſo poſitively diſclaimed all ſuſpicion of corrupt motives in their preſident, Warren Haſtings, Eſq. without proof. No proof of *intereſted* partiality to the Vizier is to be found in the report: and, as the character

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of rupees; and that, if it was expedient to make their country a barrier againſt the Marattas, there is reaſon to believe that this might have been affected by as eaſy and by a leſs iniquitous interference of the government of Bengal, which would at the ſame time have preſerved the dominion to the rightful owners, and exhibited an attentive example of juſtice as well as policy to all India.

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character of a man of honour is infinitely more wounded by the mere imputation of criminal ſelf-intereſt than the full conviction of erroneous judgment, we will (till ſome *proof* ſhall authorize the preſent reading) venture at all events to ſubſtitute the word *political* for *intereſted*, previous to partiality. It will then ſtand, that it might appear to Mr Haſtings *politically right* to aſſiſt Soujah'ud Dowla in the conqueſt of the Rohillas, and to the Committee's cool deliberation it appears *politically wrong*. Secondly, granting that the Vizier had a demand on the Rohillas for forty lacks of rupees; if by their pertinacious refuſal to pay a juſt debt, they obliged him to recur to forcible means, and then were invincibly reſolved to periſh in reſiſtance to his arms, their extermination does really appear to have been neceſſary for the recovery of theſe forty lacks. Juſt as a bailiff, in the ordinary courſe of duty, may be reduced to the neceſſity of knocking down, maiming, or otherwiſe ill treating a refractory

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refractory debtor, who oppoſes the execution of a writ. Thirdly, if there were more modes than one by which the Rohilla country could be made a barrier againſt the Mahrattas (in which caſe *aſſertion* muſt not ſtand in the place of *proof,*) an error in the choice of thoſe modes does not imply any iniquitous interference. — But it is moſt certain that the dominion of that country could *not poſſibly be preſerved* to the rightful owners, without previouſly diſpoſſeſſing the Rohillas, whoſe uſurpation had not even reached the period uſually required to aſcertain a right of preſcription.

9. That the company's ſervants in their preſidency of Bombay, were guilty of very notorious inſtances of diſobedience to the orders of their employers, as well in the proceedings againſt the Nabob of Broach, as in the commencement of the Marratta war, by the ſeizure of the iſlands of Salſette and Caranja.

1. The company's wiſh to acquire ſome territorial ſupports for their ſettlements on the weſtern ſide of India, is of public and undoubted notoriety. The company's ſervants, however they might originally exceed the commands of their maſters in the ſeizure of Salſette, &c. yet are allowed to have received the full remiſſion of their ſin, in the ſubſequent countenance and ſanction afforded

10. That it appears that the court of directors made uſe of very ſtrong expreſſions,

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sions, to communicate their wish of acquiring those islands, and the fortress of Bassein; and although in the month of April 1775, previous to the receipt of intelligence that Salsette was taken, they very explicitly confined their servants at Bombay to measures of negociation, as the only means they authorized for making the acquisition; yet after knowledge of the event, they do not seem to have signified any displeasure at the transaction, or any farther anxiety than about the preservation of the conquest: and that the Court of Directors in this instance gave countenance and sanction to the very measure they had themselves so pointedly condemned, and are therefore so far chargeable with the responsibility of it.

11. That in forming an offensive alliance with Ragoba, the government of Bombay violated the orders of the company against any con-

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afforded to the measure by the Court of Directors; therefore are no longer objects of censure. ——

2. Ragoba was first regent, and afterwards Peshwa of the Mahratta empire, and, for aught that is *proved* in the report, had as much right to enter into treaties, as his majesty Shah Allum himself; and had, at one time, much more power to enforce them. The Company's prohibitions of offensive alliances, &c. clearly related to the state of their affairs on the other side of India. With respect to their western pursuits, they only * *rather wish they could be obtained by purchase than war*; and, confining their views to the acquisition of Salsette and Bassein, &c. caution their servants, † *in all their treaties, negociations, and military operations, to be ever watchful to obtain them.* Their servants, in consequence, made a *treaty* with Ragoba, by which they were

* 5 Report page 60. Extract of General Letter to Bombay, 18 March, 1768.

† General Letter to Bombay, 31 March, 1769.

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connections of that nature, and againſt any interference in the quarrels of the native powers: that they undertook, without a certainty of an adequate revenue, or a ſufficient military force, and without proper communication with the ſuperior government upon which they were to depend for ſanction and ſupport, to place that chief on the muſnud at Poonah, and thereby to involve themſelves in a war with the ruling miniſters of the Maratta ſtate; while Ragoba himſelf was not in the mean time able to give the Company ſecure poſſeſſion of any of the grants he had made to them for the purchaſe of their aſſiſtance.

12. That the meaſures taken by the majority, which then conſiſted of Meſſrs. Clavering, Monſon, and Frances, in the government of Bengal, for the reſtoration of peace, were wiſe and juſt in their principle, and conformable to the ſpirit of the Company's orders, notwith-

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were formerly ceded to us; *negotiated* at ſeveral times with the other Mahratta chiefs for the delivery of them, and have at laſt obtained poſſeſſion by *military operations*.

The method of interference adopted by General Clavering and his majority in the buſineſs of Bombay, was abrupt, impolitic, perſonal, and diſadvantageous to their employers.—Abrupt, in that, on their arrival at Bengal, they proceeded to a deciſion on the ſtate of affairs,

* See 5 Report, page 74, 16 and 17 lines.

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withſtanding that their method of interference was not afterwards approved of by the Court of Directors.

13. That the terms of the treaty concluded by Colonel Upton at Poorunder, in the beginning of March 1776, were honourable and advantageous to the Company; when the circumſtances of the riſe and progreſs of the war, the want of reſources for carrying it on, the ſtate of the contending parties, the inſtructions of the ſuperior Council, and the general ſentiments of the Company, are attended to.

14. That the perſeverance of the ſuperior government, in directing the execution of the articles of accommodation, was judicious and commendable, notwithſtanding that the Preſidency of Bombay proteſted againſt them, as inadequate and highly injurious to the reputation, honour, and intereſts of the Company: and that the Court of Directors, in their

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before they could poſſibly become in any degree maſters of the ſubject:—impolitic, in that, by the violent change introduced by their ſyſtem, they * betrayed the weakneſs and diſunion of our government to all India:—perſonal, in preſuming to give †*private verbal inſtructions* to Col. Upton, which muſt neceſſarily tend to alarm the Governor General, and to lower him in the eyes of the Company's immediate ſervants, as well as in thoſe of their allies and connexions:—diſadvantageous, in as much as there is reaſon to ſuppoſe, that we might have retained, from that moment, "*all the ceded territories (except Baſſein")* they being then in our poſſeſſion; and that the blood and treaſure, which have ſince been laviſhed in the ſtruggle for them, might have been entirely ſaved, ‡ *had Colonel Upton but ſhewn a firm determination not to part with them.*

* 5 Report, page 82.
† 5 Report, pages 88, 89.
‡ 5 Report, page 82.

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their letter of the 15th December 1775, which reached Calcutta on 1ſt July 1776, declared their intentions of keeping all territories and poſſeſſions ceded to the Company by the treaty concluded with Ragoba.

15. That the Preſident and Council of Bombay, in granting an aſylum to Ragoba after the concluſion of the treaty of Poorunder, did not thereby commit any direct infringement on the ſtipulations of that treaty, provided they had taken no other offenſive meaſure in ſupport of his cauſe: and it appears, that this conduct coincided with the ſentiments and inſtructions of the Court of Directors, who made the perſonal ſafety of Ragoba one of the conditions of their acquieſcence in the treaty of Poorunder.

16. That it appears that the Court of Directors, by their letters to Bengal of 5th February, and to Bombay of 16th April 1777, manifeſted ſome diſſatisfaction at the terms

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The Governor Gene- is here charged with ſhewing a ſtrong tendency for the renewal of the Mahratta war, after it had ceaſed by the treaty of Poorunder. — Undoubtedly, the Governor General had always oppoſed that treaty; the Council of Bombay had proteſted againſt it; and the Court of Directors diſapproved of it. But, in fact, the Governor General's meaſures had *no tendency to a renewal of the war:* his words and his wiſhes were alike for peace.—But, as the terms of the treaty were ſtill unfulfilled, he thought himſelf entitled to inſiſt on the *definitive execution* of them. The inſtructions to Bombay, ſaid to contain a virtual encouragement as well as preciſe authority * "to form

* 19 Reſolut.

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terms of the treaty of Poorunder, as it had not procured for the Company the ſurrender of Baſſein, and gave very ſtrong encouragement to both Preſidencies, to ſeize the ſlighteſt pretence of provocation from the Miniſters to renew their engagement with Ragoba.

17. That it appears that the propoſitions of the Governor General, recorded on the 26th January 1778, were evidently founded on theſe ſentiments of the Court of Directors, contained demands on the Maratta adminiſtration greatly exceeding the conditions of the treaty of Poorunder, and opened the firſt deſign of ſending a detachment from Bengal to the Malabar coaſt.

18. That the reſolution of the majority of the Supreme Council on the 2d February 1778, which by the death of Col. Monſon was now decided by the caſting voice of the Governor General, had a ſtrong tendency to a renewal

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form a new alliance with Ragoba, and to engage with him in any ſcheme they ſhould deem expedient and ſafe for retrieving his affairs," wear a very different aſpect, when contraſted with the hypothetical propoſition immediately preceding the cloſe of the paragraph.

* *If*, ſay the Governor General and Council, the preſent or future members of the adminiſtration ſhall either directly infringe the treaty, *or* permit it to be infringed by perſons acting under their authority, *or* ſhall refuſe to fulfil the conditions of it, (then, and in that caſe only, is of neceſſity to be underſtood) we, *as authorized by the Company*, do inveſt you with authority to form a new alliance with Ragoba, &c.——

——To be ſure, with great reaſon.—Were we not only to ſit ſtill under a treaty expreſsly declared to be *inadequate*, and *highly injurious to the reputation, honour, and intereſts of the Company*, but to ſubmit

* 6 Report, page 10.

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newal of the Maratta war; becauſe it gave a ſanction and confirmation to the reſolution of the Bombay Council of the 10th and 12th December preceding, to co-operate with a confederacy of ſome of the Maratta Miniſters, in carrying Ragoba to Poona.

19. That it appears that the Court of Directors in their letter of 4th July 1777, to the Preſident and Council of Bombay, enjoined them to pay a ſtrict adherence to the treaty of Poorunder; but gave them at the ſame time orders to obey the directions of the Superior Council, who were poſſeſſed of a diſcretionary licence to reſume the cauſe of Ragoba: and that the proceedings of the Governor General and Council, on the 23d March 1778, and the letter written in conſequence, containing inſtructions to the adminiſtration at Bombay, amounted to a virtual encouragement, as well as authority to them, "to "form a new alliance "with

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mit alſo with patience to every wanton violation or perverſe miſconſtruction of that treaty?—

2. The reſolution in favour of Ragoba had no neceſſary tendency to a renewal of the war. For, if, (*as was aſſerted) one of the † two Mahratta miniſters who had ſigned the treaty of Poorunder really encouraged a co-operation with Ragoba and the Bombay Council, there was great political probability, that our weight thrown into a cauſe already equally poiſed, would decidedly turn the ſcale; and it might alſo happen, that the party which propoſed a change of meaſures by a coalition with us, might already poſſeſs ſuch preponderance. The Poonah miniſtry might poſſibly have one general outline of action, without the unanimity of a Britiſh jury.

* 6 Report, page 6.

† Sicca-Ram Baboo.

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" with Ragoba, and to " engage with him in any " ſcheme they ſhould deem " expedient and ſafe for " retrieving his affairs."

20. That it appears, that a French agent had been received at Poona, in the beginning of the year 1777, and that negociations were ſuppoſed to be thenceforward carried on between him and the Maratta government, of a tendency inimical to the Britiſh intereſts; that General Clavering had declared his opinion, " that " all the acts of the Bom- " bay preſidency had been " ſo manifeſtly hoſtile to " the Maratta ſtate, he " was not ſurprized at " their endeavour to form " connections with the " French, to protect " themſelves againſt ſuch " unfriendly and unjuſti- " fiable proceedings: " That Colonel Upton had aſcribed to the Preſidency of Bombay, the blame of delay and obſtruction to the concluſion of the treaty; and had given his opinion, " That when all " the conditions of it " ſhould be carried into " execution,

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The Mahrattas, as an independent power, would negotiate now, or at any other time, with the French Portugueſe, Dutch, or any other European nation which they thought could be ſerviceable to their intereſts or their arms. Gen. Clavering's declared opinion, that a Miniſter from the Superior Council reſiding at Poonah would preclude all the poſſibility of French intrigue, does no great honour to his politics. Information had at that moment been received by Mr. Haſtings, through ſeveral channels, that Choul was to be ceded to the French, that a body of troops was actually ready at the iſland Mauritius to take poſſeſſion of it, and that the Court of Verſailles had definitively reſolved to attack us in India. All this can be *proved*. General Clavering was not infallible.

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" execution, the French " intrigues at the Maratta " Durbar would no longer " give any alarm; and " that if a Miniſter from " the Superior Council " was ſent to reſide there, " which the Peſhaw and " the Miniſters had ever " requeſted, the intereſt " of the Company with " the Poona Government " would be ſecured a- " gainſt every attempt to " ſupplant it."

21. That it appears that the Governor General on the 1ſt June 1778, profeſſed his reſolution of ſupporting Ragoba, as a mere inſtrument for defeating the projects of the French, and of giving ſecurity and permanency to the peace of the ſettlement of Bombay: That on receipt of accounts from Europe, of a rupture with France, the majority of the board, on the motion of the Governor General, reſolved upon a deputation to Berar, to form an offenſive alliance with the Raja.

The Governor General never was hearty in the cauſe of Ragoba—He uſed him as an inſtrument recommended by his maſters, until, on the news of a rupture with France, the neceſſity of acquiring, if poſſible, a powerful Indian ally, ſuperſeded the duty of protecting Ragoba.

22. That

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22. That any ſupport of Ragoba, inconſiſtent with the treaty of Poorunder, does not appear to have been ſo neceſſary or adviſable a means for defeating the ſuppoſed projects of the French in conjunction with the Marattas, as to riſk the certain expence and uncertain event of ſuch an undertaking.

23. That it does not appear to have been a neceſſary or adviſable means for defeating the ſuppoſed projects of the French, to depart from the ſettled maxim of the Company's policy, and to hazard the conſequence of an offenſive alliance with the Raja of Berar, for the avowed purpoſe of recovering for him the conqueſts made by the Nizam, and of uniting the dangerous powers of the Maratta empire under one active command.

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Whether the ſupport of Ragoba as a means to counteract French influence were neceſſary or adviſable, muſt depend on the efficacy allowed to that influence. General Clavering, we ſee by the laſt reſolution, to evade this conſideration, only denied the exiſtence of French influence; which events have amply refuted.

1. The Maratta powers, united under one active command, are indiſputably dangerous: but they are, for that ſimple reaſon, enabled to be ſerviceable. The Governor General's view at the moment of this propoſition, was to ſecure an effective ally againſt the powers of France, which may alſo be pronounced ſomewhat dangerous, and might require to be well matched.

2. The offer of recovering for Moodajee Booſla the capture made on his dominions by Nizam Ally, was merely one of the grounds on which the Governor General thought *it might be poſſible to enter

*6 Report, page 18.

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24. That it appears that the Nizam, in the month of July 1778, warned the Governor General, as he had before done the Governor of Madras, in the moſt unequivocal manner, of the nature of his connections with the Poona government, and of the hoſtile part which he ſhould take againſt the Company, in conſequence of the ſupport they might give to the pretenſions of Ragoba: And that it further appears that he engaged to inſiſt upon the execution of the treaty of Poorunder, and to take part with the Company againſt the Maratta miniſters, if they ſhould be found to give any

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enter into a negociation with that Raja. He poſitively declared, that the meaſure, as it then ſtood, was purely defenſive; and the hint ſeems to have been only thrown out as a lure to encourage the Raja to treat with us at all. Nothing in the report goes to prove that we muſt have pledged ourſelves at all events to undertake a war againſt Nizam Ally.

1. *Dolus an virtus, quis in hoſte requirit?* It ſuited the Nizam's purpoſe of the moment to deny the exiſtence of French influence at the Poonah Durbar, or at leaſt to aſſert that he could and would render it ineffectual, &c. &c. with other magnificent bravadoes. But who can anſwer for the Nizam's ſincerity? He appears to have acted from a rooted perſonal diſlike to Ragoba.

2. Whether ſo politic and ſo ſelfiſh a prince as Nizam Ally was quite candid in his offers, and whether an acceptance of thoſe offers would have been a more wiſe, ſafe, and honourable plan of defence againſt the machinations

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any countenance or encouragement to the French.

25. That a more certain means of completing the ſtipulations of the treaty of Poorunder, and a more wiſe, ſafe, and honourable plan of defence againſt the machinations of the French, might have been effected at that period, than either an offenſive alliance with the Raja of Berar, or any active interference in favour of Ragonaut Row.

26. That under all the circumſtances of the times it was not only unneceſſary but impolitic, to take any meaſures conducive to a re-commencement of hoſtilities againſt the Marattas, without a certainty of the friendſhip and concurrence of Hyder Ally, and the effectual ſupport of a powerful party in the Poona government; and that

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of the French, than any other, is a doubt not entirely cleared up by any documents to be found in the report. Facts are unequivocal. We *have* defeated the French intrigues and we have done it without the aſſiſtance, nay in the very teeth of the Nizam; who, after all his bluſterings, ſeems to have acquieſced very quietly in the aſſurances of the Governor General's pacific intentions.—Turn where we will to the records, we find the Governor General an advocate for reaſonable peace, but an utter ſtranger to the language of alarm or of ſubmiſſion.

The cenſurable part of the Mahratta war lies, it muſt be confeſſed, on the ſhoulders of the Bombay gentlemen: but not for the protection extended to Ragoba, which had been thoroughly approved by their maſters.

6 Report page 20.

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that therefore the reſolutions of the Preſident and Select Committee of Bombay, on the 21ſt July, and the conditional approbation ſent by the Superior Board, on the 17th Auguſt 1778, were ſo far reprehenſible.

27. That the proceedings and reſolutions of the Preſident and Majority of the Select Committee of Bombay, on the 12th October 1778, and the military operations undertaken in conſequence of them, were raſh, unauthoriſed, and impolitic, and therefore highly reprehenſible; becauſe the ſituation and circumſtances of their own ſtrength and reſources, the uncertainty of ſupport from the Bengal detachment, the improbability of any material aid from a party in favour of Ragoba, and his reluctant conſent to the terms preſcribed for his own conduct, concurred in rendering the expedition to Poona a very dangerous and unpromiſing enterprize.

28. That it appears, that the Court of Directors,

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tors, in their letter of 27th May 1779, gave a warm approbation to the treaty and negociation formed with Ragoba, for the purpoſe of an expedition to Poona, and gave it a deciſive preference over every connection with the Rajah of Berar, which might ſet aſide or counteract it.

29. That as well the undertaking as the failure of the expedition were attended with the moſt unfortunate and diſtreſſing circumſtances for the Company's affairs; and that as the ſupport of Ragoba had ſhaken the confidence of the native princes in our good faith, the defeat of the enterprize leſſened their idea of our power, and that in conſequence thereof, their inclinations and hopes were incited and encouraged to hoſtile oppoſition againſt us.

30. That it appears, that another diſtreſſing con-

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It no way appears, that the ſupport of Ragoba had ſhaken the *general* confidence of the native princes in our good faith. Ragoba, who at laſt ſought our protection, might, in his brighter days, have commanded our alliance. The Nizam was, indeed, offended at our interference, but merely on motives of perſonal diſlike to Ragoba. The Poonah miniſters were parties in the cauſe, and their aſſertions go for nothing. Apoſtacy of friends, and encouragement to enemies, is the neceſſary conſequence of a defeat: a falling nation, like a falling miniſter, will be attacked from many an unexpected quarter.

The ſubterfuge at Worgaum, like a later event

of

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conſequence of the engagement with Ragoba, and the unfortunate iſſue of the expedition, was the neceſſity of having recourſe to ſubterfuge at the time of the convention at Worgaum, and to ſubſequent diſavowal by the Superior Council, to evade the performance of the articles of convention.

31. That it appears that Sir Eyre Coote, in his letter of the 18th January 1779, condemned the conduct of the two Preſidencies of Bengal and Bombay, and with good reaſon denounced the probable bad conſequences of the expedition to Poonah, and of the march of the detachment "which "was ſent from Bengal "at an immenſe expence, "and could produce no-"thing but diſtreſs to the "Company, not to ſay "diſhonour to the na-"tion, whether ſucceſsful "or not."

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of the ſame kind at Jerſey, was the reſult of momentary calamity in the courſe of war. That the engagement with Ragoba led to this misfortune, is very true—but not therefore criminal; for the ſame engagement might have ſet Ragoba on the Poonah muſnud. This reſolution therefore, conſidered abſtractedly, goes no farther than ſimply to reſolve that the Report is the Report.——

It is allowed that Sir Eyre Coote did expreſs ſuch opinions in his letters of 18 Jan. 1779.

He has proved himſelf upon all occaſions a moſt able and a moſt fortunate commander—but cannot here be exalted to a prophet. Indeed, ſo far as concerns the diſtreſs and diſhonour brought on the Company by the march to Poonah, he was right—for that march turned out unſucceſsfully. But the prophecy failed of its completion with reſpect to the Bengal detachment, which has already procured much territory and conſiderable revenue to the Company, as well as the immediate diſtreſs occaſioned by its

 expences;

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32. That it appears that the Preſident and Select Committee of Fort St. George, in their letter of 7th February 1779, with no leſs forcible reaſon, denounced the like fatal conſequences of theſe meaſures, and juſtly pointed out the alarming influence which the ill-timed and unfortunate enterprize from Bombay might have on the minds of the country powers, to the prejudice of the Britiſh intereſts; that they foreſaw with juſtice that it might

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expences; and which we do not find to have been concerned in any thing immediately or ultimately diſhonourable to the company or the nation. The meaſure was bold and unprecedented—therefore it might be deemed alarming. Had it failed, the diſhonour of its ill ſucceſs would have fallen on him or them who adopted it. Events have crowned it with honour to all parties. In a general diſtribution of cenſure the Madras government will naturally come in for its proportion.

* The conduct of the Preſidency in regard to the Peſhcuſh and the Guntoor Circar, ſeems, on the cooleſt and moſt deliberate examination of the reports, to have inſtigated the Nizam to the animation of a general confederacy of the country powers againſt the Engliſh. And we have more reaſon to form this judgment, as the Nizam, having once received ſatisfaction on thoſe two articles, ſuffered this more than armed neutrality

* See No. 153, Appendix to Second Report, Secret Committee, A letter from Court of Directors to Fort St. George, dated 10 January 1781, par. 130, preciſely corroborative of this aſſertion.

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might operate as an encouragement to Hyder Ally "openly to reſiſt the "proposed attempt on "Mahè;" that there was therein great foundation for their apprehenſions of the unfavourable impreſſion which thoſe meaſures and events might fix in the diſpoſition of the Nizam, already biaſſed againſt the Company; that they repreſented with truth, the danger to which, in thoſe circumſtances, their northern Circars would be expoſed, ſhould the Nizam be induced to venture upon hoſtilities againſt them; that they therefore, with provident policy, reſolved to ſend a reſident to his Durbar, who might have the beſt intelligence of his temper and motions.

33. That the firſt oſtenſible deſign of the deputation to Hyderabad was perverted to a moſt impolitic and diſhonourable purpoſe, by the ſteps taken for obtaining a relinquiſhment of the Peſhcuſh, and as ſuch tended rather to inflame

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ty to come to nothing, at leaſt as far as concerned himſelf. The *unjuſtifiable* proceedings againſt the Maratta government were *juſtified* in three lines by the * Governor General, and the Nizam acquieſced in the juſtification. Not but that the *real* cauſes of a war are ſeldom to be found in the manifeſtoes and public correſpondence of the belligerent powers. The Nizam obſerved probably, that our armies had employment enough on their hands, and might conceive that to be the time to ſtrike ſome beneficial ſtroke for himſelf—but he was miſtaken.

* See his letter, 6th Report, p. 20. "We are friends "of the Peſhwa and miniſters, and ſhall continue ſo while "they are our friends."

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inflame than compoſe the reſentment of the Nizam; which conduct was the more unpardonable in the Preſident and Select Committee of Fort George, becauſe they had apprehended, with ſuch early and juſt foreſight, the dangerous effects of his diſſatisfaction and the neceſſity of averting it.	
34. That the motives as well as ſucceſs of the Nizam's inſtigations, to form and animate a confederacy of the great country powers againſt the Britiſh poſſeſſions in India, and the calamitous events which enſued, may be properly attributed both to the unjuſtifiable proceedings againſt the Maratta government and to the conduct of the Madras Preſidency, in regard to the Peſhcuſh and the Guntoor Circar.	
35. That it appears, that the inſtructions and powers given to Colonel Goddard by the Superior Council on 5th April 1779, fixed on them from that time the chief direction and reſponſibility of the treaty and war with the Marattas.	Admitted on all hands.

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36. That whatever backwardneſs was afterwards manifeſted by the Maratta miniſters to any accommodation, unleſs upon very hard and humiliating terms to the company, muſt be aſcribed as well to their too reaſonable diffidence in our ſincerity, as to their advantageous pretenſions from the convention of Worgaum, and the well-known diſcontent or enmity which our conduct had raiſed in other powers againſt us.

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The backwardneſs manifeſted by the Maharatta miniſters to any accommodation, unleſs upon very hard and humiliating terms to the Company, merely ſhews that they, like ourſelves, wiſh to *make the moſt of the market.* But from the whole ſpirit of the Report, it is evident, that the *real* origin of all their backwardneſs was the advantage given them by our precipitate eagerneſs for peace on any terms at Poorunder.—From that moment they perceived the childiſh apprehenſions which operated on the leading members of our government, and aſſumed extravagant pretenſions and inſolent language accordingly.

37. That it appears that the expences of the war, and eſpecially of the detachment ſent to the Malabar coaſt, were felt and acknowledged to be in a very ſerious degree diſtreſſing to the Bengal government, and greatly overbalanced every probable advantage from ſucceſs, even before the irruption of Hyder Ally into the Carnatic

The immediate expences of every extenſive war can only be re-imburſed by the long and gradual advantages of a good peace. It is certain, the charge of the detachment was very burthenſome to Bengal—But that very burthen was a powerful ſpur to vigorous actions, and an additional plea for the acquiſition,

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natic made the misfortune of being engaged at the ſame time in ſuch a war with the Marattas more calamitous and alarming.

38. That immediately upon advice of the ſucceſs of Hyder Ally in the Carnatic, the Governor General and Council gave proof of the readieſt and moſt important exertions for the aſſiſtance of the Preſidency of Madras, and took immediate meaſures with a view to obtain peace with the Marattas, and to regain the friendſhip of the Nizam.

39. That it muſt be reckoned among the many additional miſchiefs which have ariſen chiefly from this improvident war with the Marattas to the Company's affairs, that the military force of the Carnatic had been weakened by reinforcements ſent to the Malabar coaſt; that the Bengal government have been under the neceſſity of ſupporting, on their confines, the army of a power confederated (however involuntarily) againſt them; that they have been obliged to ſue for

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if poſſible, of an adequate compenſation.

A dozen Machaons are worth an army: a good ſtateſman is worth a dozen Machaons. In the midſt of accumulated diſtreſs, and perplexed by the clamours of deſpair, Mr. Haſtings planned and executed the relief of Madras. Rajah Chimnajee Booſla had ſtationed an army where he had a right to ſtation it, in his own dominions; nor could our troops march to the Carnatic, without croſſing thoſe dominions: and the only poſſibility of ſaving the Carnatic depended on their paſſing unmoleſted. They did paſs, and enabled Sir Eyre Coote to follow up his firſt doubtful victory over Hyder Ally, which was the origin of all our future ſucceſs. Chimnajee, though not an enemy to our ſchemes, watched them with an intereſted ſolicitude; and having private political rules for his own conduct, would probably have profited by our

ill

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for the mediation of the ſame power (the Raja of Berar) have ſubmitted to a refuſal, and purchaſed at laſt an uncertain, becauſe apparently an unauthorized treaty on moſt extravagant and diſhonourable conditions with his ſon Raja Chimnajee; and finally, that being burthened with the expences of a variety of diſtant expeditions while their allies are in diſtreſs and their tributaries under oppreſſion, there is alſo an alarming deficiency in their own reſources of revenue and commerce, by the accumulation of their debt and the reduction of their inveſtment.

40. That

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ill-ſucceſs, as we could not, at that moment, guarantee him on a conjunction with us from the attempts of Nizam Ally—In this ſituation his alliance was of the utmoſt importance to us; and to thoſe who know the perpetual arrears of payment due to Indian armies, it will not ſeem wonderful that the Raja ſhould want money: To thoſe who would vote a gratuitous donation of 26 lacks annually to the king, the purchaſe of part of Chimnajee's troops will ſeem very cheap at 16 lacks.

But it will be found impoſſible, by any number of Reſolutions, to unravel all the intricate doublings of Aſiatic policy. In countries where the balance of power is uncertain, conteſts are inevitable. New events give riſe to new expedients, and thoſe again to newer events. Ultimate ſucceſs is the goal of each contending party. If we would obtain the end, we muſt not neglect the means. As the treaty with Raja Chimnajee was

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	unauthorized, the vigour of the meaſure is doubly honourable for the Governor General. Inſtead of being extravagant, it has been proved *moderate*; and Mr. Haſtings, with the moſt unexampled diſintereſtedneſs, ſtaked his own private fortune to procure it.
40. That the attempt made by the Government General, in the month of January 1781, to form an engagement of alliance, offenſive and defenſive, with the Dutch Eaſt India Company, by the means, and upon the terms ſtated in the proceedings of their council, was unwarranted, impolitic, extravagant, and unjuſt.	The ſuddenneſs and ſucceſs of the invaſion by Hyder Ally, hardly left an option of meaſures for his repulſe. State-neceſſity amply juſtified the offer of a ſmall part of thoſe territories, ſuppoſed to be captured by him, for the protection and recovery of the whole. Had the Carnatic been loſt in the event of the invaſion, and had Mr. Haſtings never ſtarted the propoſition of a poſſibility of Dutch aſſiſtance—the omiſſion would have been branded with terms of equal condemnation, and with that juſtice which the preſent ſtate of the caſe will not admit.
41. That it appears, that according to the laſt official diſpatches from Bengal, dated 15 May 1781, the proſpect of peace	Overturned (while pending) by an undoubted and favourable change of affairs.

The

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peace was not then propitious, becauſe it did not ſeem to be wiſhed for by the Marratas upon the terms propoſed, and becauſe the government of Bengal not thinking it deſirable, without obtaining even additional advantages, had reprobated the ſyſtem of defence, which the Preſidency of Bombay wiſhed to have adopted; and that the conduct of the Government General, as far as it might tend to procraſtinate accommodation with the Marattas, was evidently injurious to the intereſts of the Company and to the Nation.	
42. That it appears, that the Government General had been previouſly in poſſeſſion of a letter from the Duan of the Rajah of Berar, containing overtures for mediation for peace, and alliance with the Peſhaw; and that this material information was wholly ſuppreſſed by them in their diſpatches to the Court of Directors, but a copy of it was ſent by the ſame conveyance to the private Agent of Mr. Haſtings;	The Government General might as well be deemed reſponſible for the arrival of all the Company's ſhips at a preciſe date, or the continuance of the monſoon a month beyond the periodical change. The failure of the intelligence in queſtion depend on events out of the reach of human foreſight or precaution. Mr. Haſtings's private Agent is alone accountable, and has already accounted for the

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Haſtings; and that in thus neglecting to make immediate communication to the Court of Directors of ſuch important intelligence, the Government General appear to have failed in an eſſential part of their duty.	the circumſtance with full ſatisfaction.
43. That it appears, that the Court of Directors, in their lateſt diſpatches, have given inſtructions, which, if duly obeyed by their governments in India, may have already perfected the deſirable work of peace; and that every encouragement and aſſiſtance which may be thought neceſſary, ſhould be given by parliament to expedite the accompliſhment of it: "That the principle of "pacification may be extended as ſoon as poſſible to a general reſtoration of tranquility with "all the neighbouring "powers, on terms of the "moſt perfect moderation, in order that the "honour of the nation "may be retrieved, and "the ſeveral governments "may be able to leſſen "their own inſupportable "charges,	The *due* obedience to be given in India to orders iſſued from Europe, muſt depend on the ſtate of affairs when thoſe orders ſhall arrive. If parliament ſhall think fit to annul the exiſtence of all diſcretionary powers, as held by the Company's confidential ſervants, thoſe ſervants will of courſe implicitly ſubmit—But if otherwiſe, the conduct of the Governor-General through all his adminiſtration, and as diſplayed in the ſeveral pages of the Reports, leaves no room to doubt of his readineſs, of his deſire, and of his ability, to procure a proper completion to every paragraph of the Company's late orders.

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" charges, and to relieve " their friends and allies " from additional expen- " ces and oppreſſions in- " curred on account of " war; and alſo that they " may be able to exert " their whole force againſt " the national enemies, if " the continuance of Eu- " ropean troubles ſhould " make it neceſſary."

44. That for the purpoſe of conveying entire conviction to the minds of the native princes, that to commence hoſtilities without juſt provocation againſt them, and to purſue ſchemes of conqueſt and extent of dominion, are meaſures repugnant to the wiſh, the honour, and the policy of this nation; the parliament of Great Britain ſhould give ſome ſignal mark of its diſpleaſure againſt thoſe, in whatever degree entruſted with the charge of the Eaſt India Company's affairs, who ſhall appear to have wilfully adopted or countenanced a ſyſtem tending to inſpire a reaſonable diſtruſt of the moderation, juſtice, and good faith of the Britiſh nation.

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The wiſdom of parliament will, no doubt, cooperate with its juſtice in the ſelection of the proper objects of its diſpleaſure. As the blow will be ſeverely felt, its direction will be maturely weighed. From the ſtrict impartiality, the unerring judgment, and exemplary moderation of the Britiſh legiſlature, he would be unworthy the name of a Briton, who could feel a wiſh, or drop a hint, to remove his cauſe.

London, 24th April, 1782.

A SHORT SKETCH of Mr. *Haſtings's* MERITS with the Company;

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Major Scott's Eſſay.

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Theſe

Theſe are the principal avowed articles of cenſure on Mr. Haſtings's government and politics; which it is hoped the following ſhort explanations will almoſt diveſt even of a ſhadow of criminality. The items on the ſide of *merit* can never be depreciated by calumny, or explained away by ſophiſtry. *They are felt*, and while the Company has exiſtence will be felt as the ſource of all its preſent proſperity.

When Lord Clive's conduct was arraigned in the Houſe of Commons, the Reſolutions of *Fact* were carried, and thoſe of cenſure were loſt in a vote that his Lordſhip had performed great and important ſervices for the Company and the Britiſh nation.

I. *The* PRINCIPLE *of the* ROHILLA WAR.

THIS war originated from the Rohillas themſelves, and was the conſequence of their *breach of treaty* with the Vizier; and we aſſiſted merely in quality of allies to the latter. The Rohillas were not in fact exterminated, as is uſually aſſerted: but were certainly driven by force from a province, of which, ſo far from being natives, they were uſurpers of a very late date, and to which they had not even ſo meagre a ſhadow of right, as that which ſerves for pretext to the French uſurpation of Corſica. It is humbly preſumed, that reſolving, "that the exter-"mination of the Rohillas was *not* neceſſary for the "recovery of forty lacks of rupees," would be reſolving a negative: which perhaps would not be ſtrictly logical; as a negative propoſition of this kind cannot admit of proof.

II. WITHHOLDING *the* KING'S TRIBUTE *and* NEJEF KHAUN'S STIPEND.

When the treaty of Illahabad was agreed to, one of its implied conditions was, that the King ſhould reſide in thoſe provinces which we guaranteed to him for his reſidence. When he undertook his chimerical expedition to Dehli, and threw himſelf a priſoner at large into the power of the Mahrattas, the payment of the tribute was ſuſpended, as a means to draw him back into his own provinces in our vicinity, and to prevent the Mahrattas (who certainly would have ſeized the money) from applying ſo large a fund to military preparations againſt ourſelves. We paid the tribute to Shah Allum, as grand Mogul. When he was a fugitive and a captive to the Mahrattas, he certainly could no longer be deemed the ſovereign paramount of India. Immediately on ſuſpenſion of this tribute, the meaſure was ſubmitted home

home to the Court of Directors, who not only approved of it as a temporary expedient, (on which principle alone it had been adopted by Mr. Haſtings) but ſent immediate and poſitive orders, that *no more tribute* ſhould be paid on any account, without their permiſſion firſt obtained. That permiſſion has never been granted; ſo that Mr. Haſtings could no more diſburſe ſo large a ſum from the Company's treaſury than from his own private purſe. The ſame may be ſaid of the ſtipend to the Nejef Khaun. As a proof that the ſyſtem of Indian politics, and neceſſary reſult of the revolution, by which Bengal became the Company's property, was by no means within Lord Clive's apprehenſion, it will be ſufficient to obſerve, that his Lordſhip's agreements to pay twenty ſix lacks yearly to the King was founded on the miſtaken principle, that Bengal, having been in uſe to pay a tribute to Delhi, could ſtill afford it: but the caſe was totally changed when we came to raiſe a large inveſtment for Europe, to ſend money to Madras, Bombay, China, and Balambangan, all from the revenue of Bengal. Theſe, with the ſupport of our civil and military eſtabliſhments, left no poſſibility of remitting to Delhi ſuch a quantity of ſpecie as had been done when a native Nabob had the government, and when all the European inveſtments were purchaſed by bullion imported from other parts. Prudence and neceſſity therefore equally operated with the Court of Directors, (*Mr. Haſtings is entirely out of the queſtion, as he had no option*) in declining to pay the King's tribute. Lord Clive's ſtipulations were founded on a vague unbounded idea of the exhauſtleſs wealth of Bengal. The Company's orders were the iſſue of fatal experience on the failure of theſe magnified reſources.

III. Sale *of* Corah *and* Illahabad *to the* Vizier.

Corah and Illahabad are parts of that Subah to which alſo belong the diſtricts of Gazypoor and Benares.

nares. They are contiguous to the Vizier's dominions, and were of dangerous vicinity to ours. Would the King have reſided there, we ſhould have protected him and them, according to the article of the guarantee. Could he have preſerved them to himſelf without our aid, we were far from having a thought to take them. He *ceded them to our enemies*, from whom ſelf-defence obliged us to recover them. The King was not wronged in this at all.

IV. *The* MAHRATTA WAR *and* PROTECTION *of* RAGOBA.

The cauſes which gave riſe to this war, are too intricate to be ſtated with preciſion. It originated ſome how at Bombay, and was ſuſpended, very unprofitably for us, by the treaty of Poorunder. The Mahrattas delayed to ratify this treaty, infinitely advantageous to themſelves, in hopes of farther advantages. They entered into negotiations with the French, pregnant with all poſſible miſchief to us; and they were offended that we did not ſacrifice to their wanton reſentments, a man to whom we had promiſed protection. In the eye of juſtice and humanity, the national faith was as much pledged to Ragoba for his ſecurity as to the Mahrattas for a peace, which they were the firſt to infringe. Their government was ſo completely divided, that we could hardly aſcertain which of their miniſters poſſeſſed, in fact, the power of the ſtate; and that power frequently changed hands. How then could we expect them to abide by a treaty, which, by favouring one party, militated againſt the intereſts and pretenſions of another? Mahrattas were never united but for the purpoſes of Rapine.

V. *The* EXPENCES *of the* MAHRATTA WAR *not to be compenſated.*

Few wars are terminated with immediate profit. The expences muſt be gradually made up by œconomy

nomy in the time of peace. A ſmall acquiſition in perpetuity will eventually be equivalent to a very large ſum diſburſed all at once, as an eſtate is worth a number of years purchaſe. The French intrigues at Poonah threatened all poſſible danger to the Britiſh ſettlements on the Weſt of India. It was the firſt duty of the Governor General to thwart and counteract ſuch formidable combinations, and a neglect of it would have been the greateſt political breach of truſt to his employers and his country Hence the neceſſity of his Interference; the conſequence of which it was impoſſible to foreſee: but if his demands were juſt and reaſonable, the blame of refuſal, and of the ſubſequent war, lies with the other party. And what did he demand? Life and ſubſiſtence to Ragoba, to whom we ſtood pledged for both, and a diſmiſſion of the French, our declared national enemies, whom we had every right to oppoſe; and whom it was no leſs the duty of Mr. Haſtings to prevent from an offenſive and defenſive alliance with the Mahrattas, than it is that of our miniſtry at home to ſupplant, if poſſible, in the ſeveral courts of Europe. The expences of a war are its unavoidable misfortune, not the fault of thoſe who are engaged in it. Vigorous meaſures lead the ſooneſt to peace, and vigorous meaſures are the moſt expenſive. The Portugueſe loſt Ormus, and Malacca, and the Moluccas, with other valuable poſſeſſions, merely by a timid and ill-judged parſimony in their pecuniary ſupplies. Their courage was never known to be deficient.

VI. *The propoſed* TREATY *with the* RAJA *of* BERAR.

The Raja of Berar acted with duplicity, or rather with intereſted timidity. He alternately met Mr. Haſtings's advances with warmth, and ſhrunk from them with indifference. Had he cloſed with the Governor General's propoſals, the ſame political management, which changed Shujah ud Doula from a diſſaffected neighbour to a firm Ally, (See Review of Tran-

Tranſactions in Bengal, page 19.) might alſo have converted the Mahratta power into a moſt ſubſtantial bulwark for our weſtern poſſeſſions. No mere aſſertion, becauſe it is dogmatic, can out-weigh this poſitive proof, founded on experience, of Mr. Haſtings's talents for negotiation. All cenſure of political meaſures which have never taken place, muſt ſurely be premature. If a meaſure *hath ſucceeded*, it cannot be candid nor juſt to reſolve that a different meaſure had been more proper; for with reſpect to that which hath not been tried, there is an equal preſumption that it might have failed.

VII. *The* TREATY *with* RAJA CHIMNAJEE BOOSLA, *ſon of the Rajah of Berar.*

Warrantable on the plea of expediency, and has probably produced the moſt beneficial effects. This treaty afforded Sir Eyre Coote the means of following up his firſt victory over Hyder Ally, and therefore to that meaſure alone we are indebted for the recovery of the Carnatic. It gave the deciſive blow to that formidable league, by which Hyder Ally, the Nizam, the Mahrattas and Moodajee Booſla, had combined to annihilate the Britiſh nation in India; and thus, opportunely detaching an ally of ſuch conſequence from the general confederacy, paved a ready path to a quick reconciliation with the reſt.

VIII. *The* PROPOSED TREATY *with the* DUTCH.

The diſtrict of Tinavelly produces, of annual revenue, between nineteen and twenty lacks of rupees; perhaps with very great care and attention, it might be made to yield thirty lacks, near three hundred and ten thouſand pounds per annum. It lies exceedingly convenient for the Dutch ſettlement of Negapatuam, and the poſſeſſion of it would have given them a weight and influence in the Carnatic, which nothing but

but almoſt irremediable diſtreſs could ever have forced the Nabob of Arcot or the Company to allow. In the moment of utter diſmay, when the letters from the Coromandel Coaſt to Bengal repreſented the Carnatic as loſt almoſt beyond reſource, by the rapid ſucceſſes of Hyder Ally, and the probable approach of a French fleet, Mr. Haſtings held out the Tinavelly country to the Dutch Governor of Chinſura, in offer for the aſſiſtance of a body of European troops to be procured from Batavia or Ceylon. the Dutch governor was known not to poſſeſs the power of binding his ſuperiors; ſo that in the firſt inſtance, as far as concerned him, the treaty was only conditional. But to prevent delay of correſpondence backwards and forwards from the coaſt to Bengal at ſo critical a juncture, Mr. Haſtings perſuaded the Dutch governor to ſign the treaty with himſelf; and, in that ſtate it was diſpatched to Madras, where it was left entirely to the option of the Governor and Council of Fort St. George, and the Nabob of Arcot, to adopt, or reject it, as they ſhould find neceſſary. The Governor General of Batavia had not yet ratified the articles, nor was there any certainty of his aſſent; which, if withheld, would alſo have rendered the treaty ineffectual: but in the mean time, the negotiation alone anſwered one great end, by animating our own people with the hopes of ſpeedy aſſiſtance; and to thoſe who knew not the preciſe difficulties which retarded the execution of the treaty, that aſſiſtance might ſeem infinitely more near than, in fact, it was. The idea alſo that a ſpeedy alliance and junction of forces was about to take place between the Dutch and Engliſh, had a manifeſt tendency to diſpirit the enemy. The very preliminary, therefore, was of great effect on the operations of war, by inſpiring confidence in ourſelves, and apprehenſion in the adverſary. The Evils which, it is now ſaid, might have been the reſult of that treaty, are utterly done away by its non-completion, and the Governor General of Bengal expreſſed the moſt entire ſatisfac-

tion in the refuſal of the Council of Madras and Nabob of Arcot, to accede to it, particularly as that refuſal aroſe from the confidence in other reſources furniſhed alſo by himſelf.

As long, however, as the whole of any thing ſhall be greater or more valuable than any one of its component parts, ſo long will the ceſſion of the Tinavelly country be an alternative infinitely preferable to the loſs of the entire Carnatic.

IX. Compromise *with the* Chief Justice.

This one ſtep ſecured inteſtine tranquility, which had ſo long and ſo fatally been interrupted; and without which our government muſt have been utterly annihilated in a few months. Mr. Haſtings, as Governor General, had a right to propoſe this or any other alteration in the mode of adminiſtering juſtice; and it was his duty to offer the appointment of Sudder Judge to the man whom he might think beſt qualified for it, by his abilities, or his influence, or both. It reſted with Sir Elijah Impey to decide whether he could legally and with propriety accept the office. Mr. Haſtings is no lawyer.

In the foregoing Sketch Mr. Haſtings has been compared with himſelf, and he has certainly come off with honour. Were it not too invidious, we would now compare him with ſome of his Rivals, in the ſame, or in ſimilar confidential ſtations, or in any ſtations. The Reader will eaſily ſupply the omiſſion.

N. B. In ſtating the favourable ſide of Mr. Haſtings's Conduct, reference is conſtantly made to a Pamphlet lately publiſhed, by Major John Scott, entitled, "A Short Review of Tranſactions in Bengal for the laſt Ten Years," as moſt acceſſible. The facts all ſtand indiſputably *proved* on the Company's records; and, indeed, are very well known to the Public at large.

OUTLINE

OUTLINE

OF THE

DEWANNY ADAULET in BENGAL.

AT a time when the Britiſh power in Bengal had but lately been convulſed by the alarming diſſentions between the political and legiſlative authority, the many difficulties in which the chiefs and members of the Provincial Councils had been involved, by the exerciſe of their juridical functions, induced the Governor General to eſtabliſh a new ſyſtem for the adminiſtration of civil juſtice. The right of preſiding in the Provincial Courts, (called the Courts of *Dewanny Adaulet*) had reſted with the Company ever ſince it's acceſſion to the *Dewanny* of Bengal, Bahar, and Oriſſa; and the office had for ſome years been executed in the ſeveral diſtricts by each Member of the reſpective Councils of Revenue in rotation, with the right of appeal in the firſt inſtance to the Chief and Council collectively, and from their decree to the Governor and Council at Calcutta, as repreſentatives of the original native Court of Controul, or *Dewanny Sudder Andawlet*: but this part of the Council's general authority had long lain dormant; the Board could ſpare little time from the current buſineſs of government, and no appellant had rouſed it's attention by the exhibition of any flagrant abuſe. The judgments of the Provin-

cial Courts had been, for the moſt part, ſatisfactorily received, and implicitly fulfilled; until the new pretenſions of the Supreme Court of Judicature in Calcutta unhinged every principle of popular opinion, and opened a door for all the licentiouſneſs of chicane. Events moſt certainly have not juſtified theſe pretenſions. The Supreme Court wiſhed to render itſelf reſpectable, by depriving the original *Dewanny Adaulet* of all reſpectability, but it ſucceeded only in the laſt. Diſmay and anarchy took the place of order and reſpect: a magiſtracy which confounded all ranks of ſociety, which ſet up for independence, and even oppoſed the ruling powers of the ſtate, was a ſoleciſm in Aſiatic politics not to be explained by any arguments; the Supreme Court therefore was become unpopular in India. — Experience ſhewed it to be an ulcer which preyed on the very vitals of the country; it's encroachments were a clog to all the operations of government, and it's ſupport an intolerable burthen upon the public — It's eſtabliſhments were of themſelves enormous, and the ſplendid fortunes gained by it's practitioners, were a perpetual drain on the circulating ſpecie, without the exertion of uſeful induſtry, or the extenſion of lucrative commerce. — In this alarming ſtate of public affairs, when the Supreme Court had thus rendered itſelf odious, and the ſubordinate Courts contemptible; when even the orders of the Supreme Council were almoſt ſlighted as nugatory, or conteſted as tyrannical — the Governor General found it dangerous, if not impoſſible to temporize. — His firſt effort was to remove part of the embarraſſment, and part of the reſponſibility, from the Provincial Councils, by appointing a ſeparate Court for the cognizance of all private ſuits; and cauſes relative to the revenues only were reſerved to the Council. The juriſdiction and functions of the new Courts were defined and explained as accurately as the occaſion would permit, and ſuch of the Company's younger civil ſervants, as had more particularly ſtudied the languages of the country, were commiſſioned

miſſioned to preſide in them; this plan was paſſed in Council at Calcutta, 28th March, 1780.—Some ſalutary purpoſes were no doubt immediately anſwered by it—but it was found alſo on trial to contain ſome eſſential and conſtitutional defects. In the firſt place, the diviſion of juriſdiction between two independent departments, produced in thoſe ſubordinate ſtations the ſame ſpirit of rivalry, and conteſt for influence, which had ſo long diſtracted the two leading members of government; the line of prerogative had not been, perhaps could not be, drawn ſo preciſely as at once to diſcriminate in all poſſible combinations of circumſtances. New caſes continually gave riſe to new competitions; and the conſequent references and complaints occaſioned an irreparable waſte of time to the Supreme Council. An edict from the Board might indeed annul the impending matters in diſpute, but could not annihilate the poſſibility of future difficulties; men not in fault could not reaſonably be puniſhed; and the complicated pretenſions of each party, required tedious and minute inveſtigation, which ought in juſtice to precede a removal, or even a ſuſpenſion from their offices. —— Secondly, The new Judges were young men not educated with any view to legiſlation, nor far advanced in a knowledge of mankind; they were but low on the liſt of the Company's ſervants; and, though independent of the Provincial Councils, were very inferior to them in political influence. Yet it was highly requiſite that their oſtenſible rank ſhould hold in the eyes of the natives a due proportion to the importance of the juridical office, and that their deciſion ſhould excite reſpect, by bearing the ſtamp of reaſon, equity, and an attention to the common rights of mankind.—— Thirdly, By the new ſyſtem the Supreme Council was left, as heretofore, in poſſeſſion of the powers of the *Sudder Dewanny Adaulet*, as a Court of ultimate appeal; and the dangerous indulgence which the uſages of the Supreme Court of Judicature had for ſome time afforded to the litigious temper of the natives,

tives, threatened, in the courſe of this office, a number of tedious and embarraſſing cauſes, of which there had been hitherto no example. It was alſo foreſeen, that if the authority of the ſubordinate Courts ſhould meet with too frequent checks, their decrees would be ſparingly and tremblingly enforced, and all the real buſineſs flow into the Court of Appeal, which would controvert the very nature and purpoſe of the inſtitution.

From hence it appeared that the new plan for the adminiſtration of juſtice ſtill required corrections, alterations, and additions, to bring it to a ſtate of maturity and perfection. The conduct of the ſubordinate Courts was to be ſteadily overlooked, the inexperience of the Judges amply inſtructed, and their delegated conſequence firmly ſupported againſt the inherent weight of the Provincial Councils. It was alſo neceſſary to hold the balance between that right of appeal which gives the ſuitor a juſt confidence in his claim, and that encouragement of litigation which degenerates to abuſe. This at any time would have been a tedious and laborious taſk; but at that critical period when every legiſlative act of the Governor General and Council was liable to be miſ-conſtrued a freſh attack on the excluſive privileges of the Supreme Court, was doubly difficult. Firſt, the Board, as an office of controul, was certainly competent to examine the merits of the Company's ſervants, and of courſe to reviſe all the proceedings of the Judges of its own appointment; but for this it wanted leiſure. Secondly, it reſerved to itſelf as repreſentative of the original *Sudder Dewanny Adaulet*, a right of deciding in all appeals from the ſubordinate Courts; but here it's decrees might be diſputed or perhaps reverſed by the Supreme Court; at leaſt, the exertion of this prerogative might again involve it in the moſt diſtreſſing quarrels. It is true, the Court's authority in matters relative to the civil government or revenue in the Provinces, as well as in the perſonal diſputes of the natives, had already been reſiſted and reſtrain-

ed: but it's claims, though ſuſpended, were not relinquiſhed; and the Governor General wiſhed to obtain it's concurrence to the new plan, without admitting it's interference in the execution. A medium was therefore to be adopted which would reconcile in ſome degree, all claſhing pretenſions; which ſhould comprehend the many requiſites for the due performance of this delicate function; and which, by uniting in itſelf, as it were, the power of the two grand departments of government, ſhould be at ance a proper and ſatisfactory ſubſtitute for both. The abilities of Sir Elijah Impey, his official rank on the bench, and his acquired conſequence in the ſettlement, ſeemed to qualify him excluſively for a poſt of ſuch importance, and Mr. Haſtings prevailed on him to acept it.

The Governor General has never heſitated to aſſume that deciſive line of conduct which is the firſt ſpring of important actions. He oppoſed violence to the violent meaſures of the Supreme Court: he repelled by an armed force the intruſions of the officers of juſtice on a diſputed juriſdiction; and ſubjected himſelf to perſonal reſponſibility in his life and fortune, for the ſingle ſupport of his Employers dignity. The ſame principle which at once urged him to an act of avowed hoſtility, at another led him to peaceable accommodation. While reſiſtance ſeemed uſeful, he was all vigour: When conciliatory meaſures afforded the beſt proſpects, *he* made the firſt advance. The interference of the Supreme Court, in affairs of revenue, had cauſed infinite prejudice to the Company's intereſt. Suit after ſuit was defended in vain; coſts and damages fell the thickeſt where there was moſt ability to pay. The application of Engliſh laws to caſes made for a different ſyſtem of juriſprudence, was the true foundation of all the miſchief: and it was hoped that by the creation of the office of Judge of the *Sudder Adaulet*, this inconvenience would be in a great degree removed. But it could not be expected that the Chief Juſtice ſhould give up his few

hours

hours of relaxation, and enter into a freſh ſcene of labour and perplexity without a compenſation. The offer of a ſalary was at once a neceſſary and judicious ſacrifice; nor was the property of the Company by any means wantonly laviſhed: £. 8000 bore no proportion to the ſums which muſt eventually be ſaved; perhaps they were ten times the amount; and of this ſalary we can now poſitively announce, that a ſingle ſhilling has never been received, though the appointment was paſſed in Council in October, 1780; for Sir Elijah Impey abſolutely refuſed to accept it, until the Court of Directors at home ſhould have ratified the allowance.

In the acceptance of this new office, the Chief Juſtice trod on very delicate ground. The propriety of his holding this additional truſt was no doubt amply diſcuſſed in Bengal.—The Supreme Court had not previouſly diſplayed a very accommodating temper, and the preſent expedient ſeemed a formidable blow both on it's conſequence and it's profits. Litigious and expenſive ſuits at common law were likely to be much diminiſhed, and appeals would be in a great degree removed to the New Court. So that, thwarted ambition and diſappointed intereſt would probably unite with *profeſſional attachment* to ſtart every objection, perhaps to revive the ſtruggles for power with the Supreme Council. It was even foretold, that the Puiſné Judges would make common cauſe with the practitioners at the bar, to embarraſs the propoſed arrangement. The example of the board itſelf, where the matter had been warmly conteſted, might have afforded plauſible ground for oppoſition; yet we hear of none from that quarter, whence the Chief Juſtice had reaſon to apprehend the moſt. He had originally been the firſt to aſſert the extravagant pretenſions of the Court, and he had contended, with unremitting ardour, for it's excluſive juriſdiction. But a more temperate view of the diſorders of the times, a more mature experience in Indian affairs, inclined him

to

to a different conduct; he now united with the Governor General, to compoſe their inteſtine diviſions: and their joint efforts ſucceeded.—Term it a compromiſe, term it a job, or what you will, it was a moſt beneficial ſettlement for the Company. Political meaſures cannot be weighed in the narrow ſcale of *legal* diſquiſition: the good or evil which reſults from them is the proper criterion of their merits. Yet perhaps, even on *legal* grounds, the act need not be diſclaimed; and if Mr. Haſtings and Sir Elijah Impey have erred in their judgment, they erred with Lord Aſhburton and Mr. Wallace. Parliament, however, has now decided upon the mere legality of this appointment; the Company can only look to it's utility. If the diſſentions in Bengal have been ſtifled, and the influence of the Council reſtored; if the credit of the State has been preſerved, and it's reſources benefited by the meaſure,—however it may have been viewed in St. Stephen's Chapel, it is certainly laudable in Leadenhall Street.

One very ſtrong reaſon which operates againſt the ſuſpicion of a perſonal or intereſted motive, is the late date of the appointment.

Had Mr. Haſtings merely wiſhed to compliment his friend with a lucrative poſt, at the Company's expence, he would have ſeized the firſt moment of his reſtoration to political power on the death of Col. Monſon. But the period of the preſent tranſaction marks it equally as the reſult of prudent deliberation, and the child of ſtrong neceſſity.—Perhaps it might have been more plauſibly adjuſted—But it's want of artifice is an additional proof of the urgency of the caſe.—It was confeſſedly a temporary remedy—May the wiſdom of the Legiſlature preſcribe one more ſalutary.

Whatever Plan may hereafter be adopted for the better arangement of the juridical office in Bengal, it may be affirmed, that conſiderable advantages will ſtill be derived from the profeſſional aſſiſtance afforded by the Chief Juſtice to the Sudder Dewanny Adaulet; *his* regulations and inſtructions (for he has already

propoſed

propoſed many) will probably continue the ſtandard of practice—*his* deciſions will be firm precedents for future Judges—and his example ſtamp reſpectability on the office.——No weak, or indolent, or undignified character, will readily find admiſſion into the vacant ſeat of Sir ELIJAH IMPEY.

FINIS.